United Nations S/PV.7827

Security Council

Seventy-first year

Provisional

7827th meeting
Tuesday, 6 December 2016, 10 a.m.
New York

President:	Mr. Oyarzun Marchesi	(Spain)
Members:	Angola	Mr. Gimolieca
	China	Mr. Xu Zhongsheng
	Egypt	Mr. Aboulatta
	France	Mr. Delattre
	Japan	Mr. Bessho
	Malaysia	Mr. Ibrahim
	New Zealand	Mr. Taula
	Russian Federation	Mr. Safronkov
	Senegal	Mr. Barro
	Ukraine	Mr. Vitrenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Ms. Sison
	Uruguay	Mr. Bermúdez
	Venezuela (Bolivarian Republic of)	Mr. Suárez Moreno

Agenda

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/1011)

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the *Official Records of the Security Council*. *Corrections* should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org).

16-41510 (E)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/1011)

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Martin Kobler, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2016/1011, which contains the report of the Secretary-General on the United Nations Support Mission in Libya.

At this meeting, the Security Council will hear briefings by Mr. Martin Kobler, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, and Ambassador Ramlan Bin Ibrahim, Permanent Representative of Malaysia, in his capacity as Chair of the Committee established pursuant to resolution 1970 (2011) concerning Libya.

I now give the floor to Mr. Kobler.

Mr. Kobler (*spoke in Spanish*): First, I would like to congratulate Spain on its accession to the presidency of the Security Council for December.

Members of the Council have before them the latest report of the Secretary-General on the activities of the United Nations Support Mission in Libya (S/2016/1011). I would like to update members on developments in the situation.

(*spoke in English*)

The first anniversary of the signing of the Libyan Political Agreement on 17 December is fast approaching. It is time to take stock. I will concentrate my remarks on the following three points. First, what has been achieved so far? Secondly, what are the challenges? Thirdly, what is the outlook for Libya in 2017?

With respect to my first point, the Presidency Council has been operating for almost nine months from Tripoli. Following economic talks in London and Rome, the Presidency Council now meets regularly with financial institutions to address Libya's economic troubles. Oil production has increased significantly, tripling from August to almost 600,000 barrels a day. I am thankful for the fact that the international community is clear and in consensus. It supports the Presidency Council and the Libyan Political Agreement.

In that regard, the African Union, the League of Arab States and the United Nations have formed a troika to work together and provide stronger support. Ambassadors are submitting their credentials to the Presidency Council, and Member States are looking to return to Tripoli. Advances against terrorism have been made in both the east and the west. The Islamic State has shrunk from occupying the entirety of Sirte to now just few buildings. Although it continues to be a threat, the days of the Islamic State controlling territory in Libya are over, while in Benghazi the Libyan National Army continues to make progress, taking area after area. I would like to pay tribute today once again to all the sons of Libya who have sacrificed their lives for this common cause. I would also like to commemorate the many civilians who have died in the course of these clashes.

My second point is that while these developments are encouraging, there is much to be concerned about. The institutions of the Libyan Political Agreement still work far below expectations. Although the Presidency Council resides in Tripoli, the Government of National Accord has limited authority. Twice, proposed Government of National Accord lists have been rejected by the House of Representatives. Cooperation within and between many of the institutions remains gridlocked. Pretender Governments compete for power. The Interim Government in Bayda exists in parallel to the Government of National Accord. The Government of National Salvation has also tried make a comeback in recent weeks, creating a tense stand-off between rival armed groups in Tripoli.

The fragmented security situation allows criminal and terrorist networks to flourish. Kidnappings, extortion, and theft occur daily. Over the last days,

we have seen the most violent clashes in Tripoli since 2014 between armed groups competing for power and territory. I am very concerned and take this opportunity to urge and call on forces engaged in the violence there to immediately stop fighting and terrorizing the population, and I call for wisdom to prevail.

The deadly clashes were triggered by the murder of the religious scholar Sheikh Nader Al-Omrani, whom I met a few months ago. We recently also saw clashes in Sabha, in the south, where 23 persons were killed. These events are symptoms of the lack of security and underlying tensions among communities. Weapon deliveries are still going on, and they appear in violation of the weapons embargo imposed by the Security Council and sometimes end up in the hands of terrorist groups throughout the region. Until Libya has a reliable and coherent security apparatus, the arms embargo must remain in force and enforced.

The fundamentals of the Libyan economy also need to be tackled as a matter of urgency. Although the increase in oil production provides some relief, Libya runs a budget deficit of around 70 per cent of gross domestic product (GDP) — the largest budget deficit compared to GDP in the world. Still, the Presidency Council has challenges utilizing funds. Relations between the Central Bank and the Presidency Council are strained. While the some opponents of the Libyan Political Agreement in Tripoli seem to have unrestricted access to huge sums of money, the Presidency Council and the Central Bank of Libya are still struggling to find a way to disburse money.

I urge the Central Bank of Libya to save the Government of National Accord and other institutions by rapidly disbursing money in an orderly way and with a minimum of bureaucracy. Access to funds is the lifeline of the Presidency Council. Libya's financial reserves have shrunk from $108 billion in 2013 to a mere $45 billion. The country will face an economic meltdown unless something changes.

People in Libya are rightly frustrated at the slow pace of progress. More containment is not a recipe for Libya in 2017. As many say, the mistake was to leave Libya alone after 2011. Six years later, we must engage more with our Libyan partners. Together, we must work so that root questions are firmly and decisively addressed. The situation requires Antibiotics, not aspirin.

I am convinced that the Libyan Political Agreement remains the one and only viable framework. It is without alternatives. Until today, even the most vociferous critics of the Agreement acknowledge that it is the only workable framework. That said, the Libyan Political Agreement has not fulfilled expectations. its implementation has stalled. However its articles are not set in stone. The Libyan Political Agreement even foresees a mechanism for change, should the political circumstances demand. Libya must move forward. I would like to propose six points.

First, the outstanding political questions must be tackled. I have convened the Libyan political dialogue multiple times. In November, the Libyan political dialogue called on the House of Representatives to amend the Constitutional Declaration to incorporate the Libyan Political Agreement. I conveyed this message to the House of Representatives President, Mr. Agila Saleh Essa Gwaider, urging him to convene a meeting of the House of Representatives and vote, and thereafter endorse the Government of National Accord presented by the Presidency Council. Should this be difficult, I asked President Gwaider to tell us why, so that we could be helpful and address the open questions within the House of Representatives.

This being done, the Libyan Political Agreement will be owned by the institutions that it creates: the House of Representative and the State Council. All outstanding questions, including the supreme commandership and the chain of command of the Libyan Army, can be addressed by the process provided for by the Libyan Political Agreement. However, a path forward should consist of inclusive, peaceful dialogue and never military escalation.

Secondly, the issue of armed groups in Tripoli must be tackled urgently. In this regard, I give my full backing to the creation of the presidential guard, which will provide protection to State institutions and embassies. I agree with those who say that the Presidency Council and the Government of National Accord must not be protected by armed groups. The vision of a presidential guard has been transformed into a realistic plan. This plan deserves our full support. It is not an alternative to the building up of the Libyan Army under a unified command. Once established, the presidential guard will apply for exceptions from the weapons embargo to the Committee established pursuant to resolution 1970 (2011). The United Nations Support Mission in Libya (UNSMIL) will convene a high-level meeting next week, on 13 December, to remove the obstacles to the formation of the presidential guard.

Thirdly, the fight against terrorism has produced results. I have spoke about Sirte and Benghazi. However, the gains are not irreversible. The economic recovery of Sirte and Benghazi in particular has to be planned and implemented. This is a matter of priority.

Fourthly, the fundamentals of the Libyan economy must be addressed. Deficit, inflation, the lack of liquidity and more must be tackled to avoid economic meltdown. The Presidency Council must have access to funds and the capacity to disperse them. In this regard, I will maintain my support to the current multilateral meetings on Libyan financing, which have already led to valuable achievements such as the appointment of the Minister of Finance. I intend to provide technical support to the Presidency Council to assist in building its administrative capacity.

Fifthly, the issue of human rights and the rule of law, including the situation of migrants, must be more effectively and comprehensively addressed. Libya is a human marketplace. That is a shame for a country like Libya. It has to be addressed and it has to end. The rule of law must also be respected. Summary justice dispensed by armed groups must make way for due process. Abductions, assassinations and threats against judicial officers and social activists must cease. In this regard, I would like to reiterate my full support to the efforts of the International Criminal Court and applaud the Prosecutor's announcement that new investigations will begin in Libya.

Sixthly and finally, I want to emphasise the importance of UNSMIL returning to Tripoli in a phased way once security questions are adequately mitigated. We can be far more effective there than we can hope to be in Tunis. UNSMIL must return to Libya; we should do it now to support all partners in these difficult moments. Stability can be better achieved if the international community is on the ground and not in exile.

(*spoke in Spanish*)

I would like once again to thank the Security Council for its unwavering support to the Libyan Political Agreement. The only alternative to the Libyan Political Agreement is chaos. The Libyan Political Agreement must work, can work and will work.

The President (*spoke in Spanish*): I thank Mr. Kobler for his briefing.

I now give the floor to Ambassador Ibrahim.

Mr. Ibrahim (Malaysia): In accordance with paragraph 24 (e) of resolution 1970 (2011), of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established by the same resolution. The report covers the period from 15 September to 6 December 2016, during which time the members of the Committee met once in informal consultations and dealt with a number of issues via the silence procedure.

At the outset, I would like to brief the Council on the main points of the interim report of the Panel of Experts under resolution 2278 (2016), which the Panel submitted to the Security Council on 28 September. In the report, the Panel described several spoiling actions by armed groups and political actors, both in the east and the west of Libya, that delayed or complicated the political transition as laid out in the Libyan Political Agreement.

On the security side, the Panel reported unabated military activities, including the use of air assets by different actors, in Benghazi and Darnah and in the fight against the Islamic State in Iraq and the Levant (ISIL) in Sirte. The Panel noted a change in control over oil facilities, and continued clashes between armed groups in Tripoli and along the coastal road to Tunisia. The Panel expressed concern about the increased presence of foreign armed groups in Libya, as well as continued human rights violations by various factions, in particular by ISIL, including mass killings, arbitrary arrests and detentions and kidnappings

Concerning violations of the arms embargo, the Panel reported on transfers of military aircraft and vehicles and the presence of mercenaries and foreign military forces, as well as foreign airstrikes, and also expressed its concern with regard to diversions, both within and emanating from Libya. The Panel assessed that armed groups continued to finance themselves through illegal means, including through the smuggling of fuel. The Panel noted with concern the continued fragmentation of Libya's financial and oil institutions.

With regard to the assets freeze, the Panel informed that it was investigating alleged attempts to move large amounts of assets from other parts of Africa back to Libya. The Panel furthermore reported on its investigations concerning the assets of other listed individuals and confirmed a violation of the travel ban by a listed individual.

The Panel presented a total of 16 recommendations, of which one was directed at the Security Council, 13 at the Committee and two at Member States. The Committee discussed the Panel's interim report and its recommendations during informal consultations held on 20 October. The Panel's report was generally well received. The main points emerging in the discussion were concerns about the political transition and the security situation; security assistance to the Government of National Accord; arms flows into and out of Libya and the financing of armed groups. The Committee agreed to follow up on six recommendations. On 26 October, the Committee issued a press release containing a brief summary of the informal consultations.

Let me now very briefly touch on the activities of the Committee during the reporting period, which notably increased. On 4 October, the Committee received an inspection report from the European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED) Operation Sophia. No prohibited items were found on board the inspected vessel. In accordance with paragraph 10 of resolution 2292 (2016), the Committee informed the flag State of the inspection on 14 October. On 25 October, the Committee extended an invitation to the operations commander of EUNAVFOR MED Operation Sophia to brief the Committee, in accordance with paragraph 3 (c) of the Committee's guidelines. The date of the briefing is in the process of being determined.

In follow-up to a recommendation made by the Panel of Experts in its interim report, the Committee updated the existing entries on its sanctions list with additional identifying information on 11 November, and subsequently issued a corresponding press release and note verbale to all Member States. Also in follow-up to recommendations contained in the Panel's interim report, the Committee dispatched two notes verbales to all Member States on 15 November, covering issues relating to the arms embargo and to funding for investigations by the International Criminal Court.

On 21 November, following receipt of a note verbale from the Permanent Mission of Libya to the United Nations nominating a focal point concerning the measures set out in resolution 2146 (2014) in relation to attempts to illicitly export crude oil from Libya, the Committee wrote to Libya to request the contact details of that focal point.

During the reporting period, the Committee also received two arms embargo exemption requests invoking paragraph 9 (c) of resolution 1970 (2011), one of which it approved. The Committee furthermore received an assets freeze exemption request invoking paragraph 19 (b) of resolution 1970 (2011), which is currently on hold pending the receipt of additional information. The Committee also responded to two requests for guidance on the arms embargo as it relates to non-lethal military equipment, and to one request for guidance on the assets freeze measure as it relates to a listed entity.

Finally, given that this is my last briefing to the Council under paragraph 24 (e) of resolution 1970 (2011), I would like to thank the Committee members for all the cooperation and support rendered over the past two years.

The President (*spoke in Spanish*): I thank Ambassador Ibrahim for his briefing.

The representative of Uruguay has asked for the floor to make a statement.

Mr. Bermúdez (Uruguay) (*spoke in Spanish*): We thank Special Representative Martin Kobler and Ambassador Ramlan Bin Ibrahim for their briefings. I also take this opportunity to thank Ambassador Ibrahim for his distinguished service at the helm of the Committee established pursuant to resolution 1970 (2011).

Five years after the Libyan civil war, which destroyed the country, and one year since the signing of the Libyan Political Agreement, we must say that — if we are totally sincere — regrettably there has been no major progress seen in the political transition process or in putting together the Government of National Accord. The support the Government has garnered within the Libyan political system is minimal, while the terms set for each new step — such as the presentation of a revamped list of the members of the Cabinet to the House of Representatives in Tobruk in order to secure its long-delayed endorsement — continue to undermine the chances for stabilizing the country and putting it back on track towards normalcy. It is essential that the Presidency Council of the Government of National Accord expand its base of support among the population. Otherwise, it will be very difficult for it to eventually succeed in governing the country under relatively normal conditions.

Of the few news we can highlight is the progress in the anti-terrorist struggle, which has made it possible to advance on positions of the Islamic State in Iraq and Syria, mostly in Sirte and Benghazi.

We continue to be concerned about the serious humanitarian situation for the Libyan population. According to the Office for the Coordination of Humanitarian Affairs, more than 1 million people are in need of assistance. Migrants continue to face a desperate situation given the fact that, in spite of the measures that the Security Council has adopted, the Mediterranean Sea continues to serve as a grave for thousands of Libyans and other nationals who try to cross it for a better future.

We welcome the announcement by the Organization for the Prohibition of Chemical Weapons of the completion of the elimination of the remaining chemical weapons in Libya, which have been transferred outside of the country for subsequent destruction, in compliance with resolution 2298 (2016), which the Council adopted in July.

We reiterate our support to the Special Representative of the Secretary-General and for the role of the United Nations Support Mission in Libya. We urge them to continue their joint efforts with Prime Minister Serraj and the Presidency Council of the Government of National Accord. Their work will be key to ensuring that the Government of National Accord can consolidate its legitimacy throughout the country, which is the only way by which it can urgently address the major challenges that await it to respond to the multiple and growing needs facing Libya, as Mr. Kobler pointed out a few moments ago, including combating terrorism and the serious humanitarian, economic and security crises affecting millions of people.

Against that backdrop, we believe that it will be important to carefully establish a new mandate for the Mission. We also think that the strategic review recommended by the Secretary-General, to be carried out at the beginning of the next year, presents a good opportunity to harmonize the presence of United Nations in Libya with the political, operational and security reality on the ground.

The President (*spoke in Spanish*): I now give the floor to the representative of Libya.

Mr. Elmajerbi (Libya) (*spoke in Arabic*): I would like to congratulate you, Mr. President, on your country's assumption of the presidency of the Security Council for this month, as well as to thank Mr. Martin Kobler for his important briefing.

On behalf of the Government of National Accord, I would like to welcome the extension of the mandate of the United Nations Support Mission in Libya (UNSMIL). We hope that the Mission will soon be able to return to Tripoli and be more active in the coming months, in particular with regard to the implementation of the Libyan Political Agreement and in strengthening State institutions.

I would also like to thank His Excellency Ambassador Ramlan Bin Ibrahim, Permanent Representative of Malaysia, for his briefing in his capacity as Chair of the Committee established pursuant to resolution 1970 (2011), concerning Libya, as well as for his country's efforts during its chairmanship from 2015 to 2016.

The Libyan Political Agreement was signed almost a year ago, on 17 December2015. However, the Agreement still faces very serious difficulties, in particular the rejection by the House of Representatives of the Government of National Accord. That has led to paralysis in various aspects of the Agreement, especially with respect to people's everyday lives and the economic and security situation. We hope that UNSMIL will in the future continue its efforts to cope with such challenges with a view to establishing peace and security in the country so that the Government of National Accord can assume tasks.

In spite of the international consensus to support the Government of National Accord, such support is insufficient because the success of the Government largely depends upon the implementation of certain aspects of the Political Agreement, starting with security measures. It also depends upon the establishment of an armed force to secure Tripoli in cooperation with a police force that is equipped and capable of dealing with potential challenges. In that framework, UNSMIL is the guarantor of the Political Agreement and it is its duty to make known any violations of the agreement. It is time for UNSMIL to change its mode of operations. It ought to be more proactive by making proposals, as a lack of institutions and a lack of experts in different sectors makes it almost impossible to request assistance from UNSMIL.

With respect to assistance in fighting terrorism in my country, we commend the huge efforts made and the successes in Benghazi and Sirte in the fight against

groups listed as terrorists in the relevant Security Council resolutions. Those efforts have helped lead to the defeat of those groups. We hope that the international community will provide more assistance in accordance with resolution 2214 (2015).

I took note of the report of the Secretary-General contained in document S/2016/1011. In spite of the delay in its publication and the fact that we did not really have time to examine it in detail, we can say that the report sheds light on recent developments, in particular on political developments, and does state that Tripoli is under the control of armed groups. It mentions certain aspects of security, the recovery of oil exports and efforts of UNSMIL in other domains. Furthermore, the report also sheds light on negative aspects, including human rights violations, shortcomings in transitional justice and the suffering of civilians in different regions due to military operations and arbitrary bombing. It also mentions the weakness of efforts to empower women and youth and the participation of women and youth in the transition process. All of those aspects represent very serious challenges to the stability of Libya. It is important to overcome the current legislative impasse so that the Government can start to carry out its functions.

With respect to the mandate of UNSMIL proposed for 2017, we have noted very few changes because the efforts of UNSMIL are mainly focused on the political sector in order to bring together the differing viewpoints of political parties. We hope that UNSMIL will focus on other sectors, including security and the disarmament, demobilization and reintegration programme. We also hope that UNSMIL will help in strengthening institutions, particularly security institutions. We commend the setting up of a presidential guard and we hope that it will be able to start its operations very soon. We also hope that it will be exempt from the arms embargo so that it can adequately perform its duties.

With respect to the Libya Sanctions Committee, we also commend its efforts. We hope the relationship with the Security Council Committee established pursuant to resolution 1970 (2011) will be based on partnership and transparency. We hope that sanctions on Libya will be managed in a different manner, given that they were originally imposed in the interests of the Libyan people.

Following what the representative of Uruguay has just said — that Libyans are dying in the Mediterranean trying to cross it — I would like to say that Libya is still a transit country and not a country of origin.

The President (*spoke in Spanish*): I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.

United Nations S/PV.7828

Security Council

Seventy-first year

Provisional

7828th meeting

Wednesday, 7 December 2016, 10 a.m.

New York

President:	Mr. González de Linares Palou	(Spain)
Members:	Angola	Mr. Lucas
	China	Mr. Xu Zhongsheng
	Egypt	Mr. Kandeel
	France	Mrs. Gueguen Mohsen
	Japan	Mr. Okamura
	Malaysia	Mrs. Adnin
	New Zealand	Mr. Wright
	Russian Federation	Mr. Iliichev
	Senegal	Mr. Barro
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Hickey
	United States of America	Mr. Klein
	Uruguay	Mr. Bermúdez
	Venezuela (Bolivarian Republic of)	Mr. Suárez Moreno

Agenda

Central African region

Report of the Secretary-General on the situation in Central Africa and the activities of the United Nations Regional Office for Central Africa (S/2016/996)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Central African region

Report of the Secretary-General on the situation in Central Africa and the activities of the United Nations Regional Office for Central Africa (S/2016/996)

The President (*spoke in Spanish*): In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. François Louncény Fall, Acting Special Representative of the Secretary-General for Central Africa and Head of the United Nations Regional Office for Central Africa, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2016/996, which contains the report of the Secretary-General on the situation in Central Africa and the activities of the United Nations Regional Office for Central Africa.

I now give the floor to Mr. Fall.

Mr. Fall: I have the honour to address the Council for the first time since I took office on 1 November and to introduce the Secretary-General's report on the situation in Central Africa and the activities of the United Nations Regional Office for Central Africa (UNOCA). The report before the Council (S/2016/996) presents the main threats to peace and security in Central Africa, as well as an update on the activities undertaken by UNOCA in the past six months, in consultation with Member States, United Nations entities and subregional organizations.

Over the past five weeks, I have met with a number of Heads of State and Government on the margins of the fourth African-Arab Summit, in Malabo, and at the Extraordinary Summit of Heads of State and Government of the Economic Community of Central African States (ECCAS), in Libreville. As part of my introductory meetings with national authorities, I also met with a broad range of political stakeholders in Cameroon, Chad, Gabon and Sao Tome and Principe.

Despite a peaceful and successful transition in the Central African Republic earlier this year, the recent outbreak of violence resulted in high numbers of fatalities, thus demonstrating once more the extreme fragility of the situation as well as the continued threat that the presence of armed groups in the country represents for the entire subregion. The violence is taking place even as the country embarks upon recovery and peace consolidation efforts. While enormous challenges remain, the Government of the Central African Republic has made important progress by engaging with the armed groups through a formal framework. That resulted in the adoption, on 4 November, of a national strategy on disarmament, demobilization, reintegration and repatriation that is supported by 11 of the main 14 armed groups.

Sustained assistance by international partners, including the subregion, will be required to help the country achieve lasting peace and stability. In that vein, I welcome the holding of the international donors' conference in Brussels last month, where important pledges were made towards recovery and stabilization efforts. It is now imperative that those pledges be quickly disbursed. The Extraordinary Summit of ECCAS Heads of State held on 30 November further reinforced the efforts undertaken by the Government of the Central African Republic and President Touadera to consolidate peace and place the country on a path towards recovery and stability. The Summit also supported the African Union initiative that, with the support of ECCAS, the United Nations and bilateral and multilateral partners, would seek to facilitate a peace agreement with the armed groups. UNOCA will continue to support efforts to reduce the presence and threat posed by the armed groups.

On 15 November, a United Nations-mediated agreement was signed in Marrakesh, Kingdom of Morocco, between the Republic of Equatorial Guinea and the Gabonese Republic to submit their long-standing border dispute to the International Court of Justice. What remains is for the two parties to ratify the special agreement at the national level, following which it will be submitted to the Court. It is our sincere hope that the peaceful settlement of the border dispute will be a source of inspiration for other countries facing similar challenges, by demonstrating that a peaceful and legal settlement is available and possible.

Since the previous briefing to the Council by my predecessor (see S/PV.7718), presidential elections were held in Gabon and Sao Tome and Principe. In some countries of the subregion, persisting political tensions

arising from recent or upcoming electoral processes serve to underline the importance of genuine and inclusive political dialogue, including on meaningful democratic reforms to foster long-term stability. I will continue to use my good offices to engage with the relevant political and civil society actors in order to encourage the peaceful resolution of persisting political and socioeconomic grievances through inclusive dialogue and confidence-building measures, in consultation with regional and international partners. Similarly, I will continue to offer the good offices of the United Nations to ensure the peaceful conduct of upcoming legislative polls in the region.

The collective efforts of the Lake Chad basin countries in fighting terrorism have resulted in substantial military and security successes. The Multinational Joint Task Force has continued cross-border operations and has reclaimed much of the territory controlled by Boko Haram. Nonetheless, the group continues to carry out asymmetric attacks, mainly targeting civilians. Its capacity to cause mayhem should not be underestimated and, as such, Boko Haram remains a serious threat to regional stability. The activities of Boko Haram have greatly undermined development and exacerbated the economic hardship in the countries of the Lake Chad basin. The situation of refugees and internally displaced persons, in particular women and children, continues to remain a cause for serious concern, as persistent attacks by Boko Haram have hindered access by humanitarian actors to the affected areas. In November, UNOCA, in its capacity as secretariat of the Standing Advisory Committee on Security Questions in Central Africa, organized a visit of the Committee's Bureau to Cameroon and Chad to assess the impact of the Boko Haram violence.

While the Lake Chad basin countries are bearing financial responsibility for combating Boko Haram, the available resources are insufficient to finance the operations of the Multinational Joint Task Force and to effectively support humanitarian and early recovery activities. Timely support for the Task Force in terms of finances, logistics and equipment remains critical to strengthen the force's operational capacity and maintain the progress made. The complete eradication of the group will remain a long-term venture through sustained determination and vigilance, coupled with a holistic approach aimed at tackling the root causes of violent extremism, including marginalization and extreme poverty. In that regard, there is an urgent need to ensure funding for early recovery and development activities in liberated areas, including measures to reintegrate defectors and their families into their respective societies. It is our hope that the planned joint summit of ECCAS and the Economic Community of West African States on Boko Haram will take place without further delay, with the aim of developing a regional strategy that addresses the political, security, humanitarian and development challenges. The United Nations stands ready to support the region in that endeavour.

(*spoke in French*)

The Lord's Resistance Army (LRA) continues to threaten regional security, in particular for the populations of the eastern part of the Central African Republic and the north-east of the Democratic Republic of the Congo. The large number of LRA attacks on civilians continues to cause untold suffering and serious humanitarian consequences. The group's activities are also linked to the poaching and trafficking in wild species in the subregion. We must remain united and determined in our efforts to fight the LRA.

UNOCA has maintained its commitment on this issue, including through the implementation of the United Nations regional strategy to counter the LRA and address the effects of the group's activities, as well as through coordination efforts. In cooperation with the African Union, next week UNOCA will organize in Entebbe, Uganda, the biannual meeting of LRA focal points. Last August, a team made up of representatives from UNOCA, the African Union, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo travelled to Bria and Obo, Central African Republic, to assess the LRA threat. Similarly, in October, a joint UNOCA-African Union mission visited Dungu, Democratic Republic of the Congo. During those two visits, the team met with civilian and military partners to discuss measures to counter the LRA.

The United Nations remains concerned about the announced withdrawal of Ugandan troops from the African Union Regional Task Force on 31 December. However, from the latest news I understand that the troops are to remain in place until April next year. This withdrawal would lead to a security vacuum that the LRA would use to circulate freely and attack the

populations of the areas concerned. The collective efforts against the LRA could therefore be compromised by the withdrawal of Ugandan troops.

Piracy incidents in the Gulf of Guinea have increased this year, with 50 cases registered at present. Unfortunately, the Interregional Coordination Centre for Maritime Safety and Security in the Gulf of Guinea is not yet fully operational and has only one staff member running day-to-day operations, the programme of activities, the budget and the administration for the period 2016-2017. The recruitment of permanent staff for the Centre is ongoing and should be completed by the end of the year.

I am pleased to report that on 15 October, an extraordinary summit of the African Union was held in Lomé and adopted the African Union Charter on Maritime Security, Safety and Development. We welcome the adoption of the Charter, which seeks to prevent national and cross-border crime, including terrorism, illegal trafficking in wild species and piracy.

The continued support of the Security Council remains crucial for the promotion of peace and stability in Central Africa. UNOCA will continue to work with the Member States of the subregion to achieve that objective.

The President (*spoke in Spanish*): I thank Mr. Fall for his briefing.

I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.20 a.m.

United Nations S/PV.7829

Security Council

Seventy-first year

Provisional

7829th meeting

Thursday, 8 December 2016, 10 a.m.

New York

President:	Mr. González de Linares Palou	(Spain)
Members:	Angola	Mr. Lucas
	China	Mr. Li Yongsheng
	Egypt	Mr. Kandeel
	France	Mr. Stehelin
	Japan	Mr. Akahori
	Malaysia	Mr. Ibrahim
	New Zealand	Mr. Van Bohemen
	Russian Federation	Mr. Zagaynov
	Senegal	Mr. Ciss
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Ms. Mulvein
	United States of America	Ms. Coleman
	Uruguay	Mr. Rosselli
	Venezuela (Bolivarian Republic of)	Mr. Medina Mejias

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and OtherSerious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

Letter dated 1 August 2016 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2016/669)

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the *Official Records of the Security Council. Corrections* should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org).

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Report of the International Tribunal for the Former Yugoslavia (S/2016/670)

Letter dated 17 November 2016 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2016/975)

Letter dated 17 November 2016 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2016/976)

The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

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The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Judge Carmel Agius, President of the International Tribunal for the Former Yugoslavia; Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals; and Mr. Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia and Prosecutor of the International Residual Mechanism for Criminal Tribunals.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2016/669, which contains the text of a letter dated 1 August 2016 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council. I also wish to draw the attention of members to document S/2016/670, which contains the report of the International Tribunal for the Former Yugoslavia. I furthermore wish to draw the attention of Council members to document S/2016/975, which contains the text of a letter dated 17 November 2016 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council. And, finally, I wish to draw members' attention to document S/2016/976, which contains the text of a letter dated 17 November 2016 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council.

I now give the floor to Judge Agius.

Judge Agius (*spoke in Spanish*): I should like to begin by expressing my sincere congratulations to you, Sir, on your country's assumption of the presidency of the Council for December. Your country is known for its tireless support for international justice and was, as a member of the Security Council in 1993, an indispensable force in the creation of the Tribunal.

(*spoke in English*)

I take this opportunity to thank you, Sir, and your country, along with Angola, Malaysia, New Zealand and Venezuela — all outgoing members of this body — for their resolute support to the Tribunal. At the same time, I warmly welcome the incoming Security Council members, which will see the Tribunal through to the end of its mandate. I look forward to working with them during 2017. I should also like to thank the Informal Working Group chaired by Uruguay, as well as the Office of Legal Affairs.

On behalf of all the judges and staff members of the International Tribunal for the Former Yugoslavia (ICTY), I wish to commend the Security Council for its prompt reaction to the Tribunal's urgent request concerning the composition of the Appeals Chamber. Resolution 2306 (2016), which amended the statute of the Tribunal, was not only adopted in a very short period of time, but it also demonstrated the Council's readiness and commitment to support the Tribunal.

The completion strategy report (see S/2016/976) before the Council demonstrates that the Tribunal has continued to work vigorously and diligently since its last report (see S/2016/454). With only one trial, one appeal and one contempt case remaining, the Tribunal's mandate is nearly complete, although it is not over and we shall face some formidable challenges in the coming year. It will be noted that, during the current reporting period, the *Prosecutor v. Mićo Stanišić and Stojan Župljanin* appeal was delivered, and I can confirm that we are still on track to deliver judgements in both the *Prosecutor v. Ratko Mladić* trial and the *Prosecutor v. Prlić et al.* appeal by November 2017. In addition, proceedings in the trial case of *Prosecutor v. Goran Hadžić* were terminated following the death of the accused.

The Tribunal's ongoing progress is due to the relentless efforts of all staff and judges, to whom I express my heartfelt thanks for their outstanding work and dedication. In the light of the projected completion dates of these cases, I have recently submitted a request for a final extension of the terms of office of the Judges. I use the term "final" precisely because I am confident that the Tribunal will close its doors at the end of 2017. I remain hopeful that this request will be favourably considered by the Security Council.

Council members will also find that the aforementioned report contains a special section on the Office of Internal Oversight Services (OIOS) evaluation, and in accordance with resolution 2256 (2015) sets out the Tribunal's implementation of the OIOS recommendations. I wish to assure all Security Council members that the Tribunal took the evaluation and recommendations very seriously. Everything that could feasibly and appropriately be done was done, bearing in mind our mutual interest that the Tribunal should stay on course to complete all its judicial work by 30 November 2017. The Tribunal's best efforts must therefore be measured against the context and purpose of that important commitment.

I draw attention to OIOS's third recommendation, which the Tribunal has partially implemented. A code of professional conduct for the judges of the Tribunal was adopted unanimously at the plenary of judges, held on 6 July, with immediate effect. In relation to a disciplinary mechanism, the Tribunal did not implement that recommendation, bearing in mind the lack of time and resources, although the judges considered it to be desirable. ICTY judges know that they are not above the law and that they are custodians of the justice system and ought to be held accountable for any breach of their ethical or professional duties. Our report also identifies the lack of a disciplinary mechanism as a systemic issue that affects other courts and tribunals and a wide number of United Nations high-level and non-staff officials. The Tribunal therefore suggests that the General Assembly address this more comprehensively at an organizational level.

Overall, the OIOS evaluation was a valuable experience. However, the Tribunal regrets that it was carried out at the very end of its lifespan and that, as a result, it was not possible to implement certain recommendations. Further, the OIOS evaluation focused on efficiency, almost to the exclusion of other factors such as effectiveness and, most fundamentally of all, fairness and due process. This reflected an unfortunate misunderstanding of the Tribunal's primary aim and function — which are to deliver justice — and its unique nature as an international judicial institution.

There is a systemic institutional problem with international justice. It is called politics. While the Tribunal appreciates that political sensitivities may arise in certain circumstances as a result of cooperating with the ICTY, these can never constitute an excuse for failing to do so. Cooperation is a vital responsibility flowing from the statute of the Tribunal itself, and reflects the collective will of the Security Council in our common fight against impunity.

I am referring to the pending contempt case of *Prosecutor v. Jojić et al.*, in which the Republic of Serbia has yet to execute the arrest warrants for three indicted persons that were issued 22 months ago. It has further failed to file any monthly progress reports since May 2016. The Trial Chamber seized of the case advised me in September of Serbia's continued non-cooperation under article 29 of the Tribunal's Statute. In addition, one week ago theTrial Chamber made public international arrest warrants and orders to surrender the three indictees, which it had issued confidentially

in October. I therefore request the Security Council's support on the matter. In particular, I urge the Council to ensure that Serbia abides by its duties under article 29 of the Tribunal's Statute and complies with the Tribunal's orders. Furthermore, the Tribunal calls on all Member States to execute the international arrest warrants and orders to surrender.

In the past, the Security Council has called on States to cooperate with the Tribunal pursuant to their obligations under article 29. There is no reason that this contempt case should be treated any differently, particularly when what is at stake is the integrity of the Tribunal's administration of justice. Indeed, contempt of court sabotages the Tribunal's ability to conduct fair and efficient legal proceedings. Furthermore, Serbia's past cooperation does not excuse its current non-compliance or release it from its ongoing obligations. If the *Jojić et al.* case is not heard and concluded before the end of November 2017, it will constitute a serious blow to all of the efforts to pursue accountability that the Council and the Tribunal have made together over a quarter of a century. I trust that the Security Council will take the necessary steps to prevent such a failure of international justice. I would like to assure the Council that my insistence that the case be heard is not in any way an attempt to extend the duration or life of the Tribunal. The Tribunal stands ready to dispose of the case expeditiously, in accordance with due process and fair trial rights.

While I take enormous pride in closing down an institution of the calibre of the ICTY, I can assure the Council that it is by no means an easy task. Indeed, the last point I would like to raise is one that the Council is very familiar with by now, and it concerns the Tribunal's staffing situation. Let me emphasize that my commitment to concluding the Tribunal's work on time is unwavering. However, I feel compelled to continue to raise the issue because it concerns circumstances beyond and outside my control, and because it has a significant impact on the functioning of the Tribunal. The reality is that staff attrition will, if left unchecked, increase the risk that the Tribunal will not be able to complete its remaining cases by the end of November 2017. In that connection, the Tribunal has formulated a proposal for the consideration of the General Assembly, which is being discussed with the Secretariat. If adopted, the proposal will help to mitigate the risk posed by staff attrition, and I very much hope that Member States will lend their support in that regard. On the Tribunal's side, we have exhausted all available options and are now relying on the Organization to find an adequate solution.

In conclusion, I would like to say that we should not forget that the development of an international justice system is a long-term project and that, in the grand scheme of things, we are just getting started. The Tribunal has played an enormous role in those beginnings. Not only has it changed the way we think about and react to impunity, it has served as a powerful catalyst for the establishment of other international courts and tribunals. As we approach our final year of operations, there is much to reflect on and be proud of. The Tribunal looks forward to completing its remaining cases and cementing its significant legacy during 2017, and to continuing to work with the Security Council towards the conclusion of its mandate.

The President (*spoke in Spanish*): I thank Judge Agius for his briefing.

I now give the floor to Judge Meron.

Judge Meron: It is an honour to appear before the Security Council once again. I would like to congratulate Spain on its presidency of the Security Council this month. I also remain deeply grateful to the Security Council's Informal Working Group on International Tribunals, for its support of the International Residual Mechanism for Criminal Tribunals, and to Uruguay for its able leadership of the Working Group. Finally, I would like to express my sincere thanks to Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, Mr. Stephen Mathias, Assistant Secretary-General for Legal Affairs, and their colleagues in the Office of Legal Affairs for their ongoing and critically important assistance.

Less than two weeks ago, we opened the Mechanism's new premises for the Arusha branch. Her Excellency Ms. Samia Suluhu Hassan, Vice-President of the United Republic of Tanzania, presided over the opening ceremony, with Mr. De Serpa Soares representing the Secretary-General. The new premises would not have been possible without the exceptional generosity of the Government of Tanzania. The success of the project is also due in very large part to the dedication of the Mechanism's Registrar, Mr. John Hocking, and his staff. I would like to take this opportunity to express my deep gratitude to Mr. Hocking for his exceptional service to the Mechanism since 2012, and to extend

my sincere welcome to Mr. Olufemi Elias, who was recently appointed to be the next Registrar.

The new premises include a dedicated archive facility, which will enable the archives of the International Criminal Tribunal for Rwanda (ICTR) and the Mechanism to be housed together at the Arusha branch, as the Council has directed. I should note that the Government of the Republic of Rwanda, at a senior level, recently informed me of its firm view that the archives should be physically located in Rwanda, while at the same time accepting United Nations management and ownership of the archives, as set out in the Mechanism's statute. Our new premises in Arusha are minimalist in design and efficient in their use of resources, and they reflect best practices in myriad ways as, indeed, we strive to do in all aspects of our work in the Mechanism. It is significant in that regard that the premises were completed under budget, for we recognize that the Mechanism stands not only as a symbol of accountability and the rule of law but as a new model of, and for, international justice — a modest, efficient and cost-effective model that must succeed if international justice and the fight to end impunity are themselves to succeed in the long run.

As detailed in my written report (see S/2016/669), the past six months have seen the Mechanism make good progress on a number of fronts, from its cases to the development of its regulatory framework. In the appeal cases of *Karadžić* and *Šešelj*, briefing is ongoing before the Mechanism's Appeals Chamber, while the pretrial conference in the *Stanišić and Simatović* retrial is anticipated in the first quarter of 2017. Of the 214 judicial decisions and orders issued during the reporting period, nearly 40 per cent related to requests for access to confidential information, just one of the many ways in which the Mechanism provides assistance to national jurisdictions. That work has been supported by an exceedingly lean staffing structure in Chambers. The Mechanism has also taken steps to be fully self-standing by the end of 2017, while continuing to carry out key functions such as the protection of vulnerable witnesses.

The Mechanism is able to do a great deal on its own, but it is also dependent upon cooperation from others. The Mechanism is deeply grateful for the assistance provided to it by the International Tribunal for the Former Yugoslavia and for the support provided by its host States. The Mechanism also remains reliant upon cooperation from Member States when it comes to the apprehension of the remaining fugitives, the enforcement of sentences and the identification of a resolution for the difficult situation involving those acquitted or released individuals currently present in Arusha. I call upon all Member States to support our efforts in that regard.

It is in that context that I am compelled, by virtue of my role as President, to raise the serious matter of the continuing detention of Judge Aydin Sefa Akay, a situation that is having an impact upon the effective discharge of the Mechanism's mandate, and about which I previously briefed the members of the Council. Judicial independence is a cornerstone of the rule of law, and it is a long-standing and consistent practice to afford international judges privileges and immunities in order to protect the independent discharge of their judicial functions. The statute of the Mechanism, adopted by the Council — acting under Chapter VII of the Charter of the United Nations — follows that same practice in according the judges of the Mechanism diplomatic immunity for those periods of time in which they are engaged in the business of the Mechanism. As a result of that legal framework, Judge Akay enjoyed diplomatic immunity from the time of his assignment to the *Ngirabatware* proceedings, on 25 July 2016, and will continue to enjoy such immunity until the end of those proceedings. To my great regret, notwithstanding the diplomatic immunity to which Judge Akay is entitled, he remains detained and unable to carry out his duties as a judge on that case.

Some may believe that, from the Mechanism's perspective, the situation could be resolved by my replacing Judge Akay on the bench of the *Ngirabatware* case, thereby enabling that case to proceed. Let me be clear: that option is simply not open to me as a matter of law and justice. I do not consider it possible, under the circumstances, to reconcile full respect for the fundamental principle of judicial independence with the removal of Judge Akay from the bench to which he has been assigned. I therefore respectfully call upon the Members of the Council to do their utmost to bring about a timely and satisfactory resolution to that situation.

In conclusion, I wish to assure the Government of Turkey that, in raising the matter of Judge Akay's detention before the Council, I do nothing more than what I am compelled to do to fulfil my duties as the President of the Mechanism, that is, to defend the institution and the law governing it. It pains me to do

so. I wish to underscore my full respect for the right of all States, including Turkey, to address legitimate law enforcement concerns in accordance with the rule of law. At the same time, all States must respect their obligations arising from Council resolutions adopted pursuant to Chapter VII of the United Nations Charter. In that context, I appeal to the Government of Turkey, with its strong legal traditions stretching back for many centuries, to release Judge Akay in the spirit of humanitarianism so as to enable him to perform his judicial duties in the *Ngirabatware* case. In doing so, the Government of Turkey would not only demonstrate its support for a Chapter VII tribunal but would play a vital part in enabling the Mechanism to carry out the important mandate entrusted to it.

The President (*spoke in Spanish*): I thank Judge Meron for his briefing.

I now give the floor to Mr. Brammertz.

Mr. Brammertz: In accordance with my dual role, I will report today about both International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals activities in Arusha and The Hague.

My Offices are firmly focused on three priorities: expeditiously completing trials and appeals; locating and arresting the remaining eight fugitives indicted by the International Criminal Tribunal for Rwanda (ICTR); and providing assistance to national jurisdictions prosecuting war crimes, crimes against humanity and genocide.

I first turn to trials and appeals. In The Hague, the ICTY is in the final phase of its mandate. Only two cases remain, and it continues to be expected that the Tribunal will complete its work before the end of next year. This week, my Office is making its closing arguments in the trial of Ratko Mladić, one of the most complex and important cases in the Tribunal's history. Mladić was one of the Tribunal's last fugitives, and his arrest in 2011 was a significant moment for the victims and for international criminal justice. Over the course of his trial, my Office submitted evidence from more than 150 witnesses and more than 7,800 exhibits to prove Mladić's guilt on all 11 charges in the indictment, including genocide in Srebrenica and in the municipalities of Bosnia and Herzegovina. The delivery of the judgment in the *Mladić* case is expected in November 2017.

In relation to ICTY appeals, the judgment in *Stanišić* and *Župljanin* was issued on 30 June 2016, confirming the sentences of 22 years of imprisonment imposed by the ICTY Trial Chamber. In the *Prlić* case, my Office is continuing preparations for the appeal hearing, which is expected to take place next spring.

During the reporting period, the case against Goran Hadžić was terminated, following his death in Serbia. My Office deeply regrets that the case was not brought to an end with a verdict on the charges. We share the dismay and disappointment of the victims. It would be beneficial to identify and reflect on lessons learned from that case.

With respect to Mechanism trials and appeals in The Hague, pretrial proceedings remain under way in the *Stanišić and Simatović* case, with the retrial expected to commence sometime in the first quarter of 2017. In the *Šešelj* and *Karadžić* appeals, we filed our appeal briefs on 18 July and 5 December 2016, respectively. We are now intensively working on our response to the 50 grounds of appeal raised by the Karadžić defence team.

Regarding the Arusha branch, no trials or appeals are currently ongoing. However, during the reporting period, my Office conducted two investigations, one in relation to a contempt case and the second in relation to a completed case. Furthermore, my Office is monitoring five ICTR cases that have been referred for trial to the national courts of Rwanda and France.

In a notable development during the reporting period, the Mechanism Appeals Chamber issued its decision in the *Uwinkindi* case, rejecting the accused's application to revoke the referral of his case to Rwanda and reaffirming that conditions exist for fair trial in Rwanda. My Office hopes that positive development will support continued cooperation by third-party States with Rwanda in extradition and related proceedings.

Cooperation by the countries of the former Yugoslavia with the ICTY and Mechanism Offices of the Prosecutor remains critical to the completion of our mandate, including in particular our trials and appeals. My Office echoes President Agius' grave concern that Serbia continues to ignore and breach its legal obligation to cooperate with the ICTY. We join the President in again urging Serbia to return to the path of full cooperation.

Our second priority is locating and arresting the remaining eight ICTR fugitives. All victims share the same hope of seeing those responsible for the crimes against them brought to justice, so it remains of critical importance that these eight fugitives be arrested and stand trial.

During the reporting period, we completed our overall review of tracking efforts to date, and major steps are now being undertaken to resolve the challenges identified. My Office hopes to be able to report positive results in the future from our renewed efforts.

Our final priority is assisting national judiciaries prosecuting war crimes committed in the former Yugoslavia and Rwanda. In relation to Rwanda, my Office continued its close cooperation with the National Public Prosecution Authority and the Prosecutor-General. This cooperation remains smooth and effective, and there are no issues to report. My Office underscores, in that regard, that the search for fugitives is not limited to the eight remaining ICTR indictees. Rwandan authorities have identified more than 500 suspects who are present in other countries. These case files must be processed and prosecutions must be brought where there is sufficient evidence of guilt. My Office encourages third-party States to work with Rwandan authorities and ensure that those cases are completed.

In relation to the former Yugoslavia, the situation is unfortunately more mixed. While judicial accountability for war crimes continues, political trends are moving in a negative direction. My Office recognizes that results are being achieved in national prosecutions of war crimes. As one notable example, the Prosecutor's Office of Bosnia and Herzegovina has been building on past results in the Category II cases by continuing to file significant indictments against senior- and mid-level suspects, as well as for historically under-addressed crimes such as conflict-related sexual violence.

However, during the reporting period regional judicial cooperation experienced a significant setback with the failure of Serbian authorities to enforce the war crimes conviction in the *Djukić* case for more than a year. Serbia adopted its National Strategy for the Prosecution of War Crimes and Chapter 23 Action Plan, which my Office has welcomed on several occasions, but so far there has been little evidence that these commitments are being implemented. The Serbian Government has failed for almost a year to appoint a new Chief War Crimes Prosecutor. The promised and much-needed additional staff and resources for the War Crimes Prosecutor's Office have not yet been provided. Activities to strengthen the Special Investigative Service for War Crimes within the police remain pending. During my last visit to Belgrade, I underscored that progress on war crimes justice will not be achieved if Serbia does not put into practice the steps it identified in the Strategy and Action Plan. Serbian authorities gave me assurances that immediate action would be taken, but unfortunately none of those commitments has been honoured.

With respect to Croatia, there continues to be a disconnect between the official commitment to supporting war crimes justice and what is happening in practice. As previously reported, Croatian Government policy is obstructing judicial cooperation in certain war crimes cases, including Category II cases prepared by my Office. We have listened to Croatia's concerns, but it must be emphasized that, whatever the intention, current policy represents political interference with the justice process. My Office again urges Croatia to bring its policies in line with its commitments. These and similar political issues are negatively impacting national war crimes prosecutions, as my Office warned six months ago. Concrete cases are not moving forward, and regional judicial cooperation is under significant stress.

My Office is further concerned that politicians and Government officials from the region are still undermining trust in judicial accountability for war crimes and calling into question the independence and impartiality of the judiciary. This poses a real risk to the rule of law throughout the region. Reactions to the recent arrests of 10 suspects in Orašje, Bosnia and Herzegovina, starkly illustrated this worrying trend.

The glorification of war criminals also continues throughout the region, as demonstrated by Republika Srpska National Assembly's decision to officially decorate convicted war criminals. As long as the political environment and mindset do not support war crimes justice, it will be extremely difficult to meet the public's legitimate expectations for meaningful accountability.

Let me be clear that it is possible to reverse these negative political trends. My Office calls upon officials in the region to act responsibly and refrain from politicizing ongoing investigations and prosecutions. My Office also urges Bosnia and Herzegovina, Croatia

and Serbia to return to constructive regional cooperation and swiftly undertake steps to rebuild trust in judicial accountability for war crimes. The international community can help by providing positive incentives and utilizing conditionality policies. As always, my Office stands ready to work with the countries of the former Yugoslavia and support initiatives to improve mutual trust and move the accountability process forward.

On a more positive note, the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals continues to receive numerous requests from colleagues and Governments around the world to assist in strengthening domestic accountability for war crimes. At a time when international justice is the topic of much discussion, there should be agreement that one step forward is to ensure that national judiciaries are able to prosecute international crimes.

We feel privileged that colleagues and partners throughout Africa fully support the work of the Office of the Prosecutor of Residual Mechanism and are eager to work with my Office to develop national judicial capacities. As just one example of what can be done, my Office, with the generous financial support of partners, was recently able to train 30 prosecutors and professionals from Kenya, Rwanda, South Sudan, Tanzania and Uganda on the prosecution of conflict-related sexual violence.

Similarly, during my missions to the former Yugoslavia, victims associations and prosecutors expressed their appreciation for my Office's support and engagement in strengthening national capacities. Reflecting this commitment, our publication on lessons learned in the prosecution of conflict-related sexual violence will now be translated for national prosecutors in the countries of the former Yugoslavia.

With the presentation of final arguments in the *Mladić* case, ICTY took another significant step closer to completing its mandate. My Office is continuing its downsizing accordingly. At the same time, the transition of responsibilities from ICTY to the Residual Mechanism continues as foreseen in Security Council resolutions.

I would like to close by expressing my Office's gratitude to Secretary-General Ban Ki-moon. Since his first visit to ICTY in early 2007 until today, the Secretary-General has provided steadfast support for my Office's work and the fight against impunity. On behalf of the Offices of the Prosecutor of the ICTR, ICTY and the Residual Mechanis, I would like to thank the Secretary-General for standing behind us and giving us his full support, and I look forward to our continued cooperation with Secretary-General-designate António Guterres.

The President (*spoke in Spanish*): I thank Mr. Brammertz for his briefing.

On behalf of all the members of the Security Council, I would like to express our profound gratitude to the three briefers for their participation in this meeting and for their detailed, useful and informative reports. We also thank and commend them for their excellent work.

Before giving the floor to the members of the Security Council and the representatives of other States, I should like to remind all speakers to limit their statements, to the extent possible, to a maximum of five minutes in order to allow the Security Council to complete its work expeditiously. In that regard, I take this opportunity to remind speakers that the presidency shall activate the light on their microphone in order to encourage them to complete their remarks. Delegations wishing to make extensive statements should kindly distribute them in writing and to deliver abbreviated versions in the Chamber.

I now give the floor to members of the Council.

Mr. Rosselli (Uruguay) (*spoke in Spanish*): I should like to reiterate Uruguay's steadfast commitment to the work of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Residual Mechanism for Criminal Tribunals, and to upholding the principle of independence of justice. My country recognizes the significant contribution of these Tribunals to international justice in cases of crimes against humanity, war crimes and genocide, and their roles in ensuring accountability and promoting reconciliation.

I shall refer first to the International Tribunal for the Former Yugoslavia. We note with satisfaction the continued progress of the judicial activities of that Tribunal and the reaffirmation of the forecast that it will finish its judicial work on time and achieve its closure at the end of 2017. At the same time, we take due note of the two situations that could affect that forecast, to which President Agius referred. The first refers to the three individuals accused of contempt of court in the *Prosecutor v. Vojislav Šešelj* case and the

arrest warrants issued in January 2015, which remain pending. This situation has been highlighted by the President and the Prosecutor of the Tribunal. The second of them refers to the difficulties facing the Tribunal for retaining its staff until the end of its work, in particular officials with the greatest experience.

As current Chair of the Informal Working Group on International Tribunals, we will closely follow developments in both situations and are willing to cooperate as far as we can to reach a solution. We call upon all members of the Organization to actively contribute to resolving these situations and share our belief that the interests of international justice must prevail over circumstancial political and financial factors.

I will now turn to the International Residual Mechanism for Criminal Tribunals. We are pleased to note the forecasts for the duration of various judicial mandates are the same as those stipulated in the report of 20 November 2015, including all updates. We take note of the priority for the Mechanism of the search and prosecution of the eight people accused by the International Criminal Tribunal for Rwanda who are still on the run, as well as of the importance to that end of inter-State cooperation. We also refer to the problem of the reintegration of persons released or acquitted and of the dialogue that the Mechanism has with the States who have indicated their willingness to receive one or more of such persons.

As Chair of the Informal Working Group on International Tribunals, we take note with great concern of the situation with regard to the case of the defendant Agustin Ngirabatware and Judge Akay. The situation is very delicate. We call on all the actors involved to reach a solution for the benefit of justice and with the due guarantees for all parties.

Before concluding, I want to thank the Office of Legal Affairs and the Secretariat for their continued support for our work, as Chair of the Group, and, on a personal level, to highlight the great respect we have for the authorities of the International Criminal Tribunals who are present in the Chamber today.

Mr. Van Bohemen (New Zealand): New Zealand remains a strong supporter of the work of the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals. As someone who worked on the Security Council resolutions that established the ICTY and the International Criminal Tribunal for Rwanda (ICTR), I feel a special sense of connection with the work of the Tribunals. Back then, none of us expected that we would still be sitting in the Security Council 23 years later considering the Tribunals' completion strategies. New Zealand agrees that this has taken far too long.

We must all take our share of the responsibility for this situation. It is true that the Tribunals could have done more to expedite their work, but it is also clear that political factors have also played a major role in this delay. Governments have not always provided the level of cooperation required and the Council has not been as effective or active in supporting progress as we believe it should have been.

As the ICTY enters its final year, New Zealand agrees that its exclusive focus should remain on completing its work by the end of 2017. Both the Presidents' reports and Prosecutor's reports highlight the challenges to be faced in meeting this deadline, but it must be met. The Council and the United Nations must support the ICTY in achieving this. In this regard, we support the adoption of an incentives package for staff members to encourage them to remain with the ICTY until the end of their contracts. That is sensible business planning and we commend the Tribunal for its perseverance on this issue.

The cooperation of all relevant States with the ITCY remains essential to its completion strategy. It is axiomatic that all States are required to cooperate with the Tribunals in order to ensure justice is delivered. That obligation applies particularly to the States of the region. These requirements are set under international law and should not be subject to domestic law constraints. In that connection, we urge Serbia to lend its full support to the ICTY's work. While we understand that it is important to respect the different competencies of the judiciary and the executive, the national obligation to cooperate remains and cannot be ducked by suggesting the issue is for someone else to address.

We have taken note of the deficiencies identified by the evaluation report (S/2016/441) of the Office of Internal Oversight Services (OIOS), but at this stage in the Tribunal's life cycle, we believe the focus must be on the practical and the achievable. It makes little sense to divert precious resources from core completion work. We therefore welcome the practical alternative suggestions provided by the Tribunal. We are pleased to see the Mechanism's continued commitment to

maximizing effectiveness and efficiencies and we commend the flexibility it has shown during the transition phase with the ICTY, including through the One Office approach and dual hatting of some staff.

New Zealand raised the important ICTR legacy issue of access to archives issue during the Council's last debate in June (see S/PV.7707). We understand and support the desire of the Rwandan Government to have the originals of the archives located in Rwanda. This desire is not peculiar to Rwanda. Any of us in a similar situation would want documents critical to our national history to be located in our own territory. We recognize there are practical and process issues to be worked through, and hope these can be resolved. This is an important issue of principle.

The Mechanism's report also highlights the increasingly urgent need for a comprehensive solution to the issue of relocation. We reiterate our call to the Mechanism to develop a process for risk-based assessments for relocation of those acquitted and for released persons remaining in the Arusha safe house.

As New Zealand prepares to complete its current term on the Council, I wish to offer some concluding thoughts on how the Council makes use of its relationships with relevant international legal institutions in discharging its mandate. These organs all have their own areas of primary competence, but they all operate at the intersection of international law and peace and security. Overall, it is hard to escape the impression that Council members appear less aware of the legal and judicial contexts which could support their work than they were when New Zealand last served on the Council two decades ago. Politics now seems to dominate completely and it is hard to argue that this has made the Council more effective. The question I want to leave with Council members is: how can we do better?

At the macro level, the members of the Council need to accord greater respect to the mechanisms it establishes for the administration of justice. While the Council may be a political body, the judicial mechanisms it establishes must manifest independence, transparency and freedom from politics — the hallmarks of justice in any credible legal system. At the more immediate level, New Zealand encourages the Council and its Informal Working Group on International Tribunals to be active in monitoring the issues we have raised in our statement, including the Mechanism's progress on the ICTR archives and the relocation of released or acquitted persons.

Mr. Stehelin (France) (*spoke in French*): France would like once again to thank and confirm its support for the staff of the Tribunals for the work they are undertaking in order to carry out the legal proceedings. While the President of the International Residual Mechanism for Criminal Tribunals is requesting a final extension until 2017 to complete that work, it is extremely important that he be able to count on the engagement of all his staff until the end.

We pay tribute in particular to the commitment of President Agius to take the lead. By adopting resolution 2306 (2016), on 6 September, which authorized the urgent nomination of an ad hoc judge on a temporary basis within the Appeals Chamber, the Council sought to give its full support to these efforts. It is in this same spirit that France supported the extension of the mandate requested by the ICTY President in his letter of 4 November.

The Tribunal will bring its work to a close in 2017, and we recall the significant achievements of the ICTY in the service of justice and peace. In the view of the French delegation, it should be an opportunity to take stock of the achievements and good practices of this Tribunal, as well as avenues for improvement for more effective justice. The ICTY has played a pioneering role in bestowing its experience to other international judicial institutions. That outstanding work must evolve and continue to be dynamic. But more than ever, the States of the region must show that they have the will to put the achievements of the judiciary at the service of stability over the long-term. They therefore must continue to cooperate fully with the ICTY as well as with the International Residual Mechanism for Criminal Tribunals in accordance with the relevant resolutions of the Security Council.

In 2016, in accordance with resolution 2256 (2015), an assessment of the working methods of the ICTY was conducted by the Office of Internal Oversight Services (OIOS), which resulted in recommendations. The French delegation welcomes the fact that a code of conduct was annexed for judges of the Tribunal to the report of 6 July 2016 following the recommendation contained in the OIOS report (S/2016/669). We are encouraged by the Tribunal's willingness to reformulate certain recommendations, which attests to a more in-depth exploration of finding ways for improvement and

meaningful dialogue with regard to management. More than ever, as victims call for justice to be done, such an effective approach must become a continual concern.

The branches of the International Criminal Tribunal for Rwanda (ICTR) and ICTY of the Residual Mechanism, the role of which is temporary, are committed to the same dynamic. France is pleased that the institution is inspired by the good practices of the ICTR and the ICTY and is actively seeking new solutions to improve its functioning. In that regard, every State must do everything possible to ensure that this temporary entity can work in full compliance with its statute and procedural safeguards.

Following the ICTR, the ICTY will also soon conclude its work. If the Security Council decided to establish those international criminal tribunals in the 1990s, it was because of its conviction that the States concerned and their citizens would be the first to benefit from the progressive strengthening of the rule of law, by which the independence of the judiciary is fully assured and the duty to remember fulfilled. Each of those States will henceforth be the best agents to ensure that what are known as intermediate criminals are tried in a context of increased regional and mutual cooperation, and lastly, in the effort towards regional reconciliation and the preservation of memory.

Mr. Li Yongsheng (China) (*spoke in Chinese*): China thanks President Agius, President Meron and Prosecutor Brammertz for their respective briefings on the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals.

Over the past six months, the ICTY has continued to make progress in its work. It delivered a judgment in the appeal case of *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, terminated the trial case of *Prosecutor v. Nyiramasuhuko et al.* ("Butare"), and made continued progress in the trial of *Prosecutor v. Ratko Mladić* and the appeal of *Prosecutor v. Prlić et al.* China expresses its appreciation for those activities. China has taken note of the challenges facing the Tribunal that President Aegis and Prosecutor Brammertz referred to in their respective reports (S/2016/976 and S/2016/976, annex II) and hopes that the Tribunal will take measures to enhance efficiency and overcome its difficulties. China believes that the ICTY should implement its completion strategy as soon as possible and conclude its work by 30 November 2017.

With regard to the Residual Mechanism for Criminal Tribunals, China congratulates it on the official opening of its Arusha branch. China is pleased to learn that the Residual Mechanism has taken over all the remaining work of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 (ICTR) and continues to carry out its judicial activities. The International Residual Mechanism has also opened the retrial of the *Stanišić & Simatović* case, formulated new rules and procedures, issued a large number of judicial decisions and orders and cooperated with other countries with regard to their own domestic prosecutions. China appreciates those activities. We hope that the International Residual Mechanism will consider the request that it should be small, temporary and efficient, and continue to strengthen and improve its work.

The ICTY will conclude its work by the end of November 2017. China hopes that it will cooperate closely with the International Residual Mechanism to ensure the smooth transfer of its remaining work to the Mechanism. China will continue to support the work of the two institutions.

Finally, I would like to take this opportunity to thank Uruguay, which chaired the Security Council Informal Working Group on International Tribunals, and the Office of Legal Affairs of the United Nations for their work.

Mr. Ciss (Senegal) (*spoke in French*): The Senegalese delegation welcomes this second biannual Security Council debate convened this year on the progress in the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY), the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 (ICTR) and the International Residual Mechanism for Criminal Tribunals.

The Senegalese delegation would like to take this opportunity to congratulate Judge Carmel Agius, President of the ICTY; Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals; and Mr. Serge Brammertz, Prosecutor of the ICTY and Prosecutor of the International Residual Mechanism for Criminal Tribunals. I also extend my thanks to Ambassador Elbio Rosselli, Permanent Representative of Uruguay, whom I warmly congratulate, as well as his team, for the outstanding work carried out as Chair of the Informal Working Group on International Tribunals.

Without any doubt, the establishment of the Criminal Tribunals was one of the most relevant initiatives of the United Nations and, at the same time, an important contribution to the preservation and development of international law, the execution of justice, international criminal jurisprudence and the fight against impunity. That ad hoc judicial system has also benefited from the support of the international community, in particular the Security Council, and the cooperation of every State to carry out its mission. It is against that backdrop hat we must contextualize the decision taken by Senegal to take in prisoners of the ICTR, the implementation of which is in its final phase.

That broad support can be explained by the primary goal of implementing a preventive mechanism to prevent the repetition of atrocity crimes, which are a "shame on humankind". Nevertheless, it is regrettable that abominable violations of international humanitarian law continue to be committed throughout the world. The international community must be seized of such violations regardless of their political interests to show the perpetrators of those despicable crimes that they are an affront to our collective conscience and that the perpetrators cannot escape justice. The same international community must also acknowledge that the politicization of the pursuit of justice not only compromises the neutrality and quality of the decisions delivered but also, and above all, severely affects international peace and stability, the preservation of which is the raison d'être of the Council. It is, moreover, more important than ever that national judicial systems finally take the baton to ensure the continuity of the efforts of the international community. It is particularly incumbent upon States to work at the national level to combat impunity and establish equal justice for all.

This debate is taking place in a special context marked by the arrest of one of the Mechanism's judges, Mr. Aydin Sefa Akay, who was accused of belonging to a terrorist organization. Obviously, the Senegalese delegation is closely following that situation and commends the work being carried out by the Office of Legal Affairs of the Secretariat and the Informal Working Group on International Tribunals to find a solution. And we also appreciate Turkey's valuable cooperation. We call on all parties to maintain dialogue and consultations to ensure that the law — the guarantor of peace and security — prevails.

In resolution 2256 (2015), the Security Council called on the ICTY not only to respect the timetable for the completion of its work, but also to reduce the duration of trials. The issue of the reintegration of those who have been acquitted or who have served their sentences, the optimal use of financial and administrative resources, access to archives, the issue of the resettlement of 14 Rwandans and the audit practices within the Tribunal and the Mechanism to improve their functioning are, inter alia, challenges that cannot be overlooked. The same goes for the issue of attrition of staff, which also deserves special attention. In that respect, we welcome the commitment firmly demonstrated today to respect those time frames.

Moreover, the cooperation by the ICTY in the Office of Internal Oversight Services (OIOS) review of the Tribunal's working methods, in accordance with resolution 2256 (2015), is very encouraging. We remain convinced that the process of evaluation is perfectly compatible with respect for judicial independence. It is also a guarantee of the proper administration of justice, which itself remains a guarantee of the credibility of the international criminal justice system. Furthermore, the follow-up to the OIOS recommendations concerning the establishment of, on one hand, a code of conduct and a disciplinary mechanism applicable to judges and, on the other hand, a system of centralized information on downsizing, remain paramount to us.

Finally, the temporary nature of the Tribunal's mandate, as well as that of the Residual Mechanism, implies the need to adopt management that embraces the diversity of systems and ensure a balanced geographical representation within it. Those are principles for which no derogation will be tolerated, taking into account the survival of our institutions and the future of our planet.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We have carefully reviewed the reports of the International Tribunal for the Former Yugoslavia

(ICTY) (see S/2016/670) and the International Residual Mechanism for Criminal Tribunals (see S/2016/669 and S/2016/975) from the past six months. We are pleased to note that the ICTY report does not contain information of further delays in the proceedings, which will be completed by the end of 2017. The Tribunal, despite being considerably behind the deadline set by resolution 1966 (2010), will still complete its work. There is still hope that planned time frames for judiciary proceedings will be reduced, in accordance with what the Security Council urged in resolutions 2193 (2014) and 2256 (2015). We call on ICTY leadership to make every efforts to ensure that proceedings are finished expeditiously.

The Security Council continues to take measures to ensure the smooth and uninterrupted work of the ICTY. Recently in the Tribunal's statute, an ammendment was introduced to allow it to involve a judge on the register of the Residual Mechanism to work in the Appeals Chamber. That concerns resolution 2306 (2016), which was promptly adopted at the request of the Tribunal.

We believe that the Tribunal is adequately staffed and has been provided with sufficient funding. Delays in court proceedings, of which the Council was previously informed, were due to, according to our estimates, more administrative failures, such as, for example, uneven distribution of workload among judges, imprecise legal assessment of the complexity of cases and the unnecessarily long preparation of cases. We understand the desire of the leadership of the Tribunal to retain staff with institutional memory. However, we believe that requests for all sorts of bonuses do not meet the conditions of service of the United Nations. They make us wonder to what extent the Tribunal's staff is actually committed to its goals.

As for the case of contempt of court, initiated by the Tribunal in connection with the concluded case of *Prosecutor v. Vojislav Šešelj*, we would like to refer to a decision of the Security Council that approved the strategy of completing the ICTY's work in 2002 and 2003, a well as resolution 1966 (2010), which states that the Tribunal must focus its efforts on judicial prosecution and bringing to justice high-level officials who are suspected of being responsible for serious violations of international humanitarian law committed in the former territory of Yugoslavia starting in 1991. Cases on contempt of court obviously do not apply. Possible options to ensure the interests of justice in this situation, including the transfer of minor cases to national jurisdiction, are also given in the Council resolutions to which I referred. In any case, this topic should not have influence the strategy of closing down the Tribunal.

It is clear that there is no relation to the task of ensuring justice for the most serious crimes on which the Tribunal is focused, and the identification of issues such as the political climate and mentality in one country or another, or the historical world view, staffing solutions. We urge the officials of the Tribunal not to be distracted by such trifles from the objectives set by the Tribunal's statute and the decisions of the Council.

My delegation has for several years advocated an initiative to conduct an independent review of the work in the ICTY. At the final stage of the Tribunal's mandate, the Office of Internal Oversight Services (OIOS) conducted such an assessment, in accordance with resolution 2256 (2015). As we expected, in some cases, auditors found problems to which we have repeatedly tried to alert the Council, including the lack of clear and sound guidelines for the duration of proceedings. We are grateful to the OIOS for its work. Unfortunately, the Tribunal did not accept all the recommendations addressed to it. We hope that the analysis of the OIOS recommendations and their implementation will continue.

We are closely watching the work of the Residual Mechanism. We would like to recall that, in accordance with resolution 1966 (2010), the Mechanism is a temporary, compact structure established in order to complete the process of closing down the ICTY and the International Criminal Tribunal for Rwanda. It is not a new model of an international judicial authority. The duration of the mandate of the Mechanism is limited and conditioned by a biennial review cycle of its activities undertaken by the Security Council.

The Mechanism's report does not give any preliminary forecasts for the period of consideration of certain cases, which have been on its register for almost a year. We make a call to fix that problem in future reports. We expect from that body strict adherence to efficiency and transparency, including the timing of proceedings. We hope that the Mechanism will use all procedural opportunities inherent in its statute, including in the event of unforeseen circumstances.

Mr. Akahori (Japan): Japan is deeply committed to the rule of law and fully supports the activities of the International Tribunal for the Former Yugoslavia

(ICTY) and the International Residual Mechanism for Criminal Tribunals. We highly value their important role in the fight against impunity.

We appreciate the Tribunal's efforts in delivering the Appeals Chamber's judgment on *Prosecutor v. Mićo Stanišić and Stojan Župljanin* in June, which handed down 22-year prison sentences to those responsible for crimes against humanity and violations of the laws or customs of war. Japan hopes that the judgment will help to bring justice to the region. The judgment was delivered in line with the projected timeline despite serious staff attrition. We commend the leadership of President Agius and call upon the ICTY to maintain its judicial timeline as it approaches closure at the end of 2017. The Tribunal requires full cooperation from Member States to carry out its mandate. We are therefore concerned by instances of non-cooperation. We recall that Member States are required to cooperate fully with the ICTY. The relevant States must meet their obligations.

We thank the Office of Internal Oversight Services (OIOS) for its report (S/2016/441) and recommendations. Japan takes note of implementation efforts by the Tribunal, which resulted in a code of conduct. While the implementation of the OIOS recommendations is important, we must not forget that the Tribunal's priority should continue to be the completion of its judicial work by the end of next year.

Turning to the Mechanism, we first offer our congratulations on the Mechanism's opening of its new premises in Arusha in November. We request the Mechanism, which is now in the phase of handling the retrial and appeals from the ICTY, to work effectively and efficiently to deliver its judgments as projected and, if possible, to shorten its time frame. Arresting remaining fugitives is a priority for the Mechanism, and we take note of the overall review by the Prosecutor of efforts in that area. We hope that new steps based on such a review will bring positive results, and once again call upon all the relevant States to cooperate fully with the Mechanism.

Japan expresses its gratitude to the dedication of both the ICTY and the Mechanism. We strongly hope that the work of both bodies will help victims see the justice that they have long awaited.

Mr. Ibrahim (Malaysia): I, too, would like to welcome the Judges and Prosecutor representing the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals back to New York. I thank them for their very comprehensive briefings.

My delegation welcomes the notable progress made by the ICTY and the Residual Mechanism during the reporting period. In particular, we wish to congratulate the Residual Mechanism on the official launching of its new premises in Arusha last month. We commend the Government of Tanzania for its crucial role and valuable contribution in that regard.

Malaysia is encouraged by the smooth functioning of the Residual Mechanism in assuming responsibility for a number of functions of the International Criminal Tribunal for Rwanda (ICTR) and the ICTY. We reiterate our call on Member States to fully support the Mechanism, especially in tracking the remaining fugitives indicted by the ICTR, to enforce sentences and to relocate those who have served their sentences or who have been acquitted by the Tribunal.

Turning to the ICTY, Malaysia is reassured by the commitment expressed by its President that the judicial work of the Tribunal remains on track and is to be completed by November 2017. We welcome the progress made in the cases of *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, *Prosecutor v. Prlić et al.* and *Prosecutor v. Ratko Mladić* during the reporting period.

Malaysia takes note of the evaluation by the Office of Internal Oversight Services (OIOS) on the methods and work of the ICTY and the Tribunal's response to the OIOS report (S/2016/441). We welcome the adoption of a code of professional conduct by the judges of the Tribunal, in line with the OIOS recommendations. While other recommendations of the OIOS may have some merit, we believe that at this point the Tribunal should focus its time and resources on completing its judicial work within the stipulated deadline, instead of being distracted by administrative and management issues.

At today's briefing, we have again heard from Judge Agius on how staff attrition continues to seriously impact the work of the Tribunal and could potentially affect its completion strategy. We believe that, on this last leg of the Tribunal's work, Member States should redouble their efforts to support the Tribunal in addressing that critical challenge.

Malaysia views the reversing trend in cooperation with the ICTY as deeply disturbing, especially in the

context of revisionist movements in the region and the glorification of war criminals. These are warning signs that must not be ignored by the international community, as they could undermine the great strides that we have made in recent decades towards ending impunity for war crimes, genocide and crimes against humanity. In that regard, we urge Serbia to uphold its legal obligations to resume cooperation with the Tribunal, including by executing the Tribunal's arrest warrants. We also call on the relevant Member States in the former Yugoslavia to intensify the pace and effectiveness of war crimes prosecutions by their national authorities for cases being referred to their national jurisdictions.

More than 20 years ago, the Security Council decided to create the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda to try those responsible for serious violations of international humanitarian law, including genocide, mass rape and ethnic cleansing. The painful truth is that if the Security Council had the political will to prevent or stop the mass atrocities committed in Rwanda and in the Balkans region and to uphold its responsibility to maintain international peace and security under the Charter of the United Nations, there would have been no need for either Tribunal to be created.

However, in the bloody aftermath of the conflicts in Rwanda and in Bosnia and Herzegovina, the Security Council owes it to the victims to bring the perpetrators to justice for their heinous crimes. We also owe it to the victims to remain firm in our commitment to justice and accountability, many years later, and to fully support the Tribunals in fulfilling their mandates until the end of operations. We simply do not have the moral standing to disown the Tribunals.

Malaysia is therefore incredulous that the priorities of ensuring justice and due process seem to be buried in overwhelming concerns about budget and deadlines. There is no doubt that the historic legacy of the ICTY and the ICTR in ending impunity and in laying the foundation for international criminal justice will remain long after the Tribunals' closure. What is less obvious is whether the Security Council will also be on the right side of history in supporting the Tribunals and the Residual Mechanism all the way in ending impunity.

Ms. Mulvein (United Kingdom): At the outset, I would like to reiterate the United Kingdom's continued support for and commitment to the work of the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals. They are leading the fight against impunity, holding perpetrators to account and achieving justice for victims. That is work that is sadly in great demand across the world today — in Syria, in Iraq and in so many other places.

We are pleased that the ICTY's work remains on track as it heads towards closure in 2017. While we regret that the *Prosecutor v. Goran Hadžić* trial could not be completed, it is undeniable that progress has been made. The *Prosecutor v. Mićo Stanišić and Stojan Župljanin* appeal has concluded, substantial steps have been taken towards completion of the *Prosecutor v. Ratko Mladić* trial, and the *Prosecutor v. Jadranko Prlić et al.* appeal continues to progress. Transition to the Mechanism also continues on schedule.

We are grateful for the efficiency and downsizing measures that have taken place in order to achieve this, and we were happy to support the amendment to the ICTY statute enabling the appointment of ad hoc Appeals Chamber judges, which is a necessary practical step on the Council's side to enable the Tribunal to complete its work. We recognize the difficulties caused by staff attrition, and we appreciate the efforts made to counteract that. We hope that staff will remain in their roles until the end of the mandate to complete the Tribunal's work.

Cooperation with the ICTY by all States remains as important as ever. We welcome the continued cooperation between the Office of the Prosecutor of the ICTY and the authorities of the States in the region. However, we are concerned that the political environment is having a negative impact on regional judicial cooperation, and we echo the Prosecutor's call for urgent steps to be taken to mitigate and reverse the situation. We are particularly concerned that the arrest warrants for the three individuals in the contempt cases have still not been executed. We urge Serbia to meet its obligation to cooperate and surrender those individuals to the Tribunals. Lack of agreement at the regional level to extradite war crimes suspects also severely hinders efforts to bring prosecutions for war crimes. This hampers reconciliation and could undermine the legacy of the ICTY.

Turning to the recommendations of the Office of Internal Oversight Services (OIOS), we are pleased that the ICTY has already implemented the recommendation

on developing a code of professional conduct for judges. We believe all international tribunal judges should be subject to such codes. We also welcome the ICTY judges' indication of their willingness to accept a disciplinary mechanism and that they consider this desirable. We agree, but we think it is too late in the Tribunal's life to implement all the OIOS recommendations. That risks diverting resources from completing the core functions, which must be the focus. Finally, on the ICTY, we welcome plans for legacy work, and we will be supporting the ICTY legacy dialogue.

Turning to the Mechanism, we are pleased with its work in the past six months, including on ensuring a smooth transition for the ICTY to the Mechanism. Judicial work is proceeding efficiently, including on the *Prosecutor v. Jovica Stanišić and Franko Simatović* retrials and the appeals in the cases of *Prosecutor v. Radovan Karadžić* and *Prosecutor v. Vojislav Šešelj* transferred from the ICTY. We are concerned by the situation of Judge Akay, noting that the Secretary-General has asserted immunity, but Turkey has disagreed with that position. We also note that there are ongoing legal proceedings before the Mechanism. We hope that an appropriate resolution can be found as quickly as possible.

It is important that all those indicted by the International Criminal Tribunal for Rwanda be apprehended and face trial before the Mechanism. We are grateful to the Prosecutor for his ongoing efforts to locate and arrest fugitives, and we call on all States to cooperate to that end. Equally, as in the former Yugoslavia, national prosecutions are essentially for ensuring justice for all victims of crimes committed in Rwanda. We thank the Prosecutor for his ongoing work in that respect and encourage cooperation from all relevant States.

We welcome the reduction in numbers of released and acquitted persons residing in Arusha, as well as the more efficient approach to the upkeep of those who remain there and ongoing efforts regarding relocation. We hope to hear positive developments in that regard in due course.

Finally, we welcome the opening of the new premises of the Mechanism's Arusha branch. The Mechanism has a vital role to play in the international criminal justice system. I would therefore like to close by re-emphasizing our continued support as it carries out the residual functions of the Yugoslavia and Rwanda tribunals.

Ms. Coleman (United States of America): The United States extends its sincere appreciation to President Agius, President Meron and Prosecutor Brammertz for their briefings today to the Security Council as well as for their leadership and contributions to advancing justice for victims of the worst atrocities committed in the former Yugoslavia and Rwanda. Without the diligence and determination of jurists and staff at their tribunals, perpetrators of the worst crimes known to humankind — genocide, war crimes and crimes against humanity — could continue to live freely in impunity, which is an unacceptable outcome.

The persistent efforts of these international criminal tribunals resulted this year in reaching significant milestones that serve to warn would-be perpetrators everywhere that there will be no escape from justice. Earlier this year, former Republika Srpska President Radovan Karadžić was found guilty and sentenced to 40 years in prison for genocide, crimes against humanity and violations of the laws and customs of war — a historic conviction that once seemed impossible. Just this week, the International Tribunal for the Former Yugoslavia (ICTY) commenced closing arguments in the case of Bosnian Serb military commander Ratko Mladić, who stands accused of genocide of Bosniaks from Srebrenica, terrorizing the population of Sarajevo and taking United Nations peacekeepers hostage.

The United States supports the work of the International Residual Mechanism for Criminal Tribunals to conclude expeditiously the retrial of the case in *Prosecutor v. Jovica Stanišić and Franko Simatović* and the appeals proceeding in the cases of *Prosecutor v. Radovan Karadžić* and *Prosecutor v. Vojislav Šešelj*. The ICTY establishes facts through judicial process, which is critical to countering those who seek to distort facts, revise history or rewrite reality.

The United States notes with great concern the detrimental impact of increasingly diverse and divisive political speech in the region about the pursuit of justice for war crimes committed in the former Yugoslavia. Such inflammatory rhetoric can harm regional cooperation among the States of the former Yugoslavia, which is essential to promoting accountability for war crimes.

The United States would like to reiterate the importance of full cooperation of all concerned States

with the ICTY. The United States remains concerned that three arrest warrants for individuals charged with contempt of court in relation to witness intimidation in the *Šešelj* case have remained unexecuted in Serbia for 22 months. Recognizing that cooperation is an ongoing obligation essential to the functioning of the Tribunal, the United States calls on Serbia to execute these arrests expeditiously. Failure to fully cooperate with the Tribunal in accordance with its statutes and the resolutions of the Security Council compromises the core functions of the international justice system and must be addressed with appropriate urgency.

The United States commends recent efforts by the Prosecutor's Office to review its fugitive tracking efforts and implement revised strategies to address key challenges so that the eight remaining fugitives from the International Criminal Tribunal for Rwanda may be swiftly located, arrested and brought to justice. The United States is unwavering in its commitment to ensuring that these fugitives are apprehended and brought to justice, and we continue to offer a reward of up to $5 million for information leading to the arrest or transfer of these eight men. The United States would also like to express our sincere appreciation for the Tribunal's efforts, especially the Office of the Prosecutor, in building capacity among national prosecutors.

The pursuit of justice for victims in Rwanda and the former Yugoslavia must not end with the closure of these Tribunals. While both Tribunals have successfully tried many high-level perpetrators, further accountability for crimes committed depends on fair and effective trials for alleged mid- and lower-level perpetrators in national courts.

The United States remains deeply concerned about the Mechanism's casework, which has been severally impaired while Judge Aydin Sefa Akay, who was expected to be working on a case before the Mechanism, remains detained in Turkey. We recall that the Security Council designed the Mechanism in a way that provides for judges to work remotely, except for sittings or as directed by the President. We reiterate the importance of judges being able to carry out this important work on behalf of the United Nations. With this in mind, we hope that this matter can be resolved expeditiously.

Thanks to the unrelenting dedication of these Tribunals, the victims of horrific atrocities have received a meaningful measure of justice. Promoting justice and accountability is all the more critical in the present moment when leaders' horrific acts against civilians have so far been met with impunity in places such as Syria and South Sudan. The successful completion of the work of the Mechanism will serve to prove that justice is not an afterthought in the work of advancing international peace and security but the core of it.

Mr. Yelchenko (Ukraine): Welcoming the progress reflected in the recent reports of the International Criminal Tribunal for the Former Yugoslavia (ICTY) (see S/2016/670) and International Residual Mechanism for Criminal Tribunals (see S/2016/669), my delegation considers today's meeting and the forthcoming adoption of a resolution reappointing the ICTY judges and Prosecutor to be of utmost importance, in the light of the planned closure of the Tribunal in 2017. In this regard, I would like to commend the measures and efforts undertaken by the President of the Tribunal to ensure the timely conclusion of all cases before the ICTY.

Today, as we are in the final stage of the ICTY's work, we should pay special attention to existing problems and challenges that the Tribunal continues to face, while acknowledging its well-known achievements in combating impunity and its contribution to international criminal justice and the rule of law.

First, I would like to raise the issue of cooperation with the Tribunal. According to article 29 of the ICTY statute, cooperation and judicial assistance is one of the preconditions for the successful fulfilment of the Tribunal's mandate. Unfortunately, for over 22 months, Serbia has failed to act to execute the Tribunal's arrest warrants for three Serbian indictees. In this regard, we would like to underline that there can be no justification for refraining from cooperation and we urge the Government of Serbia to return to the path of full compliance with its obligations.

The ICTY, the International Criminal Tribunal for Rwanda and other international criminal courts, including the International Criminal Court, were created to ensure global justice and responsibility for grave international crimes. With this in mind, we are particularly concerned about the recent trend to suspend or reduce cooperation with international criminal tribunals. We are also seeing instances of States deciding to withdraw from treaties they had previously signed. We regret these decisions and consider them to be a step back, undermining prevention efforts

and due prosecution of the most serious crimes. The international community must come together in its strong support for the work of the criminal tribunals in order to protect the right to justice of all victims of mass atrocities.

The second problematic issue noted by the President of ICTY is staff attrition. We are concerned about this problem and acknowledge the efforts the Office of the President and the Registrar to address it. Taking into consideration the potential exodus of highly experienced experts while the ICTY's mandate is approaching its end, we need lend our support to the proposals to strengthen the Tribunal's resources in order to address this administrative challenge.

On a different note, my delegation welcomes the project of holding a series of legacy and closing events under the rubric "ICTY legacy dialogues", which has been developed by the Tribunal to summarize best practices from over 20 years of its work and bolster transitional justice efforts in the region. We would also like to mention another positive effort aimed at gathering the Tribunal's knowledge and expertise in a single location by creating the first ICTY Information Centre, to be located in the Sarajevo City Hall in Bosnia and Herzegovina.

With respect to the Mechanism, my delegation commends its judicial activities and the issuance of more than 800 orders and decisions since its establishment, as well as the ongoing efforts of the Residual Mechanism to reduce costs and improve procedures and operations.

We welcome the active work of the Mechanism with respect to preparations to take over responsibilities for all remaining aspects of the ICTY's functions after its closure next year, including preservation of the archives. We cannot afford the luxury of forgetting the lessons of history that were learned at a staggering cost in human lives. Otherwise, joint efforts to prevent horrible crimes in future will be doomed to failure.

To conclude, I would like once again to stress the necessity of cooperation with international criminal tribunals to ensure their effective functioning.

We urge all States to cooperate with the ICTY and the Mechanism and to respect their mandates in full compliance with their obligations under the relevant Security Council resolutions.

Mr. Kandeel (Egypt) (*spoke in Arabic*): We have read the reports under consideration today (see S/2016/669, S/2016/670, S/2016/975 and S/2016/976) very attentively and wish to commend the progress made by the International Criminal Tribunal for Rwanda (ICTR) and the International Tribunal for the Former Yugoslavia (ICTY). We express our support for their continued efforts to complete their work within the established time frame.

We congratulate the President of the International Residual Mechanism for Criminal Tribunals following the opening of the headquarters of the Mechanism, in Arusha. We thank the Government of Tanzania for hosting the Mechanism.

The Security Council, in creating the two international criminal tribunals, reaffirmed the principles of justice and the rule of law and thereby demonstrated the commitment of the international community to dealing resolutely with war crimes and crimes against humanity; to ensuring accountability for the perpetrators of such crimes; and to enshrining the principle of the combat against impunity at the international level.

Both Tribunals have made tremendous and praiseworthy efforts in ensuring fair trials, the protection of witnesses and reparations for victims. The ICTR has completed its work; the ICTY will do so next year; and the Residual Mechanism, with its two headquarters, in The Hague and in Arusha, will take over the Tribunals' case files. In that respect, we welcome the transfer of power to the Residual Mechanism.

As we near the end of the ICTY's mandate, the Council must continue to help the Tribunal to complete its work as soon as possible. It is vital to arrive at effective solutions to the various challenges it faces in this respect, in particular making the most of the experience of the Tribunal's staff on the eve of the completion of its mandate.

The delegation of Egypt will continue to support the work of the Tribunal. In that respect, we reiterate the need to ensure the optimal use of the financial and administrative resources available so as to facilitate the work of the Residual Mechanism and the ICTY.

International criminal tribunals are an essential instrument created by the international community in order to guarantee and enshrine international law and to prosecute those responsible for serious violations of such law. That is why the experience gleaned in, and the lessons learned from, the work of both Tribunals

must be studied and recorded so that they can serve as a reference in future, so as to prevent similar problems. Indeed, the judicial legacy of the two Tribunals belongs to the international community as a whole. The United Nations and its Member States must take the steps necessary to preserve this legacy.

In conclusion, Egypt is following with great interest the issue of the detention of one of the Mechanism's judges in his country of origin following the levelling of accusations against him. We hope that current contacts between the President's secretariat with the authorities of that country will allow for the finding of a solution that makes it possible to preserve the dignity and independence of the international judiciary, in accordance with international law and the Charter of the United Nations charter.

Mr. Medina Mejías (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We welcome and thank Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals; Judge Carmel Agius, President of the International Tribunal for the Former Yugoslavia; and Prosecutor Serge Brammertz for their semiannual briefings. We also thank the Office of Legal Affairs, in particular to Mr. Miguel de Serpa Soares and Mr. Stephen Mathias, for their work and for their timely dialogue.

We take this opportunity also to acknowledge the leadership of the delegation of Uruguay, Chair of the Informal Working Group on International Tribunals.

The Bolivarian Republic of Venezuela supports the efforts of the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals to bring to justice the perpetrators of crimes against humanity and war crimes, in violation of international humanitarian law and international human rights law. The work carried out by these bodies has reaffirmed the international community's commitment to combat impunity for such heinous crimes, so as to prevent their recurrence. These efforts help to bolster the rule the law at the international level by combating impunity and ensuring that justice is done for the victims.

With the finalization of the work of the ICTY and the transfer of its archives to the Residual Mechanism, we deem it necessary to enhance cooperation between the Mechanism and States in order to guarantee compliance with the mandate conferred upon it in resolution 1966 (2010). This relationship is vital to helping ensure that we achieve the projected goals, particularly in terms of the arrest of fugitives and compliance with the relevant judicial orders.

To that end, we welcome the cooperation between the Prosecutor's office and the authorities of Bosnia and Herzegovina, Serbia and Croatia during the reporting period, which represents a positive factor in bolstering the Tribunal's work in this transitional phase. Despite the various difficulties encountered in this undertaking, we urge a strengthening of the cooperative relations between those countries and this judicial forum.

Similarly, we believe that the support of other States and of international organizations is vital to a successful outcome in pending cases. To that end, we deem necessary to ensure access to documents, the relevant information and witnesses, as well as ensuring the protection of witnesses and their relocation, so as to facilitate the consolidation of the rule of law in the territory of the former Yugoslavia.

Our country also values the contributions of the Office of the Prosecutor in bolstering the national juridical institutions of the nations that formed part of that territory in terms of the prosecution of war crimes and their perpetrators.

We wish to highlight the efforts and dedication of the ICTY in working to conclude its functions within the established time frame, that is, by December 2017, in line with the strategy agreed in that respect. While the judges should carry out their duties with independence and impartiality, we are convinced that they must conduct judicial trials and deliver their sentences in a timely manner, in accordance with the universal principle of due process.

In that connection, we support and recognize the work and efforts of the President of the International Residual Mechanism for Criminal Tribunals and his team for the progress achieved and their effectiveness, economy and transparency. Moreover, we support the strategic plan adopted by the Residual Mechanism, consisting of stepping up efforts to find suitable places for the relocation of staff, thereby providing them with appropriate assistance, which will help to reduce overhead costs. We urge the Mechanism to maintain its pace of work as set out in its management report in order to ensure that there is a successful and smooth transition from the Tribunal.

Finally, we reiterate our support to the Tribunal for the Former Yugoslavia to continue taking the necessary steps to complete its work in an expeditious manner and ensure that all cases that are still being tried be concluded without delay in 2017, just as envisaged. Doing so will allow the international community to fulfil its commitment to the promote the rule of law and put an end to impunity.

Mr. Lucas (Angola): We are grateful to the honourable judges, Mr. Carmel Agius and Mr. Theodor Meron, and to Prosecutor Serge Brammertz for participating in today's meeting. We are equally grateful to Uruguay for its important work in chairing the Working Group on the International Tribunals. The insightful briefings provided by the judges and the Prosecutor are meaningful instances of the important work being performed by the International Tribunals, the establishment of which by the Security Council was a decisive initiative for preserving the ideals of international justice and ensuring the prevalence of justice over impunity. We fully support the work of the Tribunals, being aware that their legacy will leave a decisive imprint by strengthening international criminal justice.

We acknowledge the assessment by Judge Carmel Agius and Prosecutor Serge Brammertz on the significant progress achieved in concluding the work of the International Tribunal for the Former Yugoslavia (ICTY), the recommendation for the completion strategy and the delivery of its final verdicts before its closure by the end of 2017. We are, however, concerned about staff attrition in the ICTY. In our view, a viable solution, with support by Member States, should be found to counter that trend in order to allow the Tribunal to complete its mandate in a smooth and timely manner.

We recognize the efforts of the Tribunal to complete its work expeditiously, as well as the judges' efforts to identify the means to speed up pending cases. In that regard, we urge the Republic of Serbia to cooperate fully with the ICTY by handing over, without delay, the three individuals indicted whose arrest warrants have yet to be executed, in order to allow the Tribunal to finalize its work. We also call on other countries of the former Yugoslavia to cooperate with the Tribunal fully and in good faith.

Regarding the International Criminal Tribunal for Rwanda (ICTR), we stress the importance of States' cooperation with the International Residual Mechanism for Criminal Tribunals. As such, we call on the States concerned to investigate, arrest prosecute or extradite, in accordance with their applicable international obligations, all fugitives accused of genocide and crimes against humanity residing in their territories. We take note and commend the Mechanism cooperation with the countries of the former Yugoslavia and with Rwanda by keeping the authorities updated on its activities on the transition of responsibilities and in the provision of assistance to national jurisdictions. We acknowledge that the Mechanism continues to draw upon best practices and lessons learned from the ICTY and ICTR in pursuing ways to improve its operations, procedures and working methods and to maintain flexibility in its staff assignments in order to maximize effectiveness and efficiency.

We commend the construction and inauguration last November of the Mechanism's new premises in Arusha, with dedicated archives and facilities and allowing for the collocation of the ICTR Mechanism. As Judge Meron highlighted,

> "[it] stands not only as a symbol of accountability and the rule of law, but as a new model of and for international justice ... that must succeed if international justice and the fight to end impunity are themselves to succeed in the long run."

We equally welcome the appointment by the Secretary-General of Mr. Olufemi Elias as the new Registrar for the Mechanism.

It is with great concern that we learned of the arrest of Judge Aydin Sedaf Akay. We appeal to the Turkish Government for his release. His detention violates the principle of the independence of justice and the judges' privileges and immunities, thereby creating a feeling of uncertainty for other judges.

Finally, we would like to highlight that the tenets of international criminal justice embodied in the Criminal Tribunals for the Former Yugoslavia and Rwanda were crucial for the recovery processes following the appalling events that occurred in those territories. The establishment of the Tribunals as a response to the atrocities committed in the former Yugoslavia and in Rwanda were instrumental in preserving trust in international law and ensuring that those responsible for serious human rights violations and violations of international humanitarian law faced trial and were held accountable, that judicial mechanisms were put in place as a deterrent and a warning that such crimes would

not left unpunished and that redress to the victims was guaranteed. Ultimately, the Tribunals made a tangible contribution to the fight against impunity and the strengthening of international criminal law.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as the representative of Spain.

First of all, I want to join the other members of the Council, and I believe that we are all together in this regard, in thanking the Ambassador and representative of Uruguay for the excellent work he has done and continues to do, together with his team, at the helm of the Informal Working Group on International Criminal Tribunals.

I would also like to commend the efforts of the International Criminal Tribunal for the Former Yugoslavia (ICTY), headed by Judge Agius, for adapting to the completion strategy. In fact, all of the sentences it has delivered this year have been within the established deadlines. Such work is praiseworthy given that the ICTY has achieved its goal despite the complex circumstances it has faced, especially due to staff attrition. We certainly trust in the capacity of the Tribunal to overcome such difficulties and complete its operations next year, according to plan. My country will support the extension of the mandates of the judges and the Prosecutor for the periods that have been requested.

The International Residual Mechanism for Criminal Tribunals that Judge Meron has been honourably leading for more than four years now has become a model institution for its ability to apply the lessons learned from previous experiences with a view to ensuring both effectiveness and transparency in the management of delivering justice at the highest level. Since that is of the utmost importance within a justice system, we trust that the Tribunal will continue to operate in that same manner.

Regarding the work of the International Criminal Tribunal for Rwanda (ICTR) and the ICTY, the smooth and efficient transitions to the Residual Mechanism are most noteworthy. It was not easy, but was achieved in the case of the Rwanda Tribunal, and it appears that the same will happen for the Tribunal for the Former Yugoslavia. The operations of both institutions seem to be satisfactory, but some concerning issues remain. Eight defendants of the Tribunal for Rwanda are still on the run, which is an unacceptable challenge to the law and an intolerable affront to the victims of the Tutsi genocide. We hope that the measures adopted by the Prosecution will bear fruit, and once again we call on States that may have information to make it available without delay.

No international tribunal can fulfil its mandate without the essential cooperation of States, which, let us not forget, is an obligation under international law. We must recall once again that Serbia must implement the orders of arrest issued by the Tribunal for the Former Yugoslavia, and return to the path of full compliance that it always followed in the past, whatever the nature of the proceeding.

One year after the closure of the Tribunal for the Former Yugoslavia, it is more important than ever that the countries of the region take over and continue with a true commitment to investigating and prosecuting pending war crimes caes, which remain insufficient in pace and number. A degree of political accountability and a continued effort to ensure respect for the rule of law are needed in order to educate new generations and promote true reconciliation based on acknowledgement of the facts, and in which there is no historical revisionism, denial of the facts and lawfully proven crimes, or glorification of perpetrators.

I conclude by reiterating the strong support of Spain for the work, first, of the Tribunals, and now of the Mechanism, which are evidence of the firm commitment of the international community to combating impunity. Their pioneering jurisprudence has opened up new paths in international law, and their work has given hope to many victims, not only in Rwanda and the former Yugoslavia, but around the world by demonstrating that, in spite of appearances, justice is possible when there is enough political resolve. It is now our responsibility to preserve the legacy of the Tribunals as testimony to the past, but also as proof of the strength of law and value of justice, and as a lesson to future generations so that the terrible events that led to their creation are never repeated.

I now resume my functions as President of the Council.

I give the floor to the representative of Bosnia and Herzegovina.

Mr. Vukašinović (Bosnia and Herzegovina): We too wish to extend our gratitude to the leadership of the International Tribunal on Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal

Tribunals for their respective reports and today's detailed briefings on the progress of legal proceedings, the completion strategy implementation and the transfer of the Tribunal's functions to the Mechanism.

We are entering a final chapter in the work of the ICTY. It is a culmination of all the efforts to bring to justice those responsible for the horrific crimes committed in the former Yugoslavia. Our continued strong support is therefore as important as ever. Furthermore, their legacy is important for the future of international criminal justice. We note the continued progress and steady work of the ICTY in its last reporting period. We further acknowledge in that regard the Tribunal's commitment to completing its work expeditiously by a targeted date, the judges' efforts in identifying further measures to expedite the pending cases, and the overall effort to ensure the smooth transfer of functions to the Residual Mechanism, in accordance with resolution 1966 (2010). We encourage the Tribunal to make every effort to meet the targets of its completion strategy and forecast delivery dates of judgements in order to avoid any further delays.

During all this time, the cooperation of Bosnia and Herzegovina with the ICTY has remained steadfast and full, and will continue as such with the Mechanism. Since the very beginning, Bosnia and Herzegovina has fully cooperated with the ICTY and implemented all its decisions and rulings. Our support for the work of the ICTY demonstrates our commitment to the rule of law and sustainable peace.

The expiration date for the pursuit of justice will not arrive in 2017, nor is the delivery of justice solely dependent on the remaining work of the Mechanism. Further accountability depends also on the efforts of national judicial systems in the region, as well as on their mutual, successful and strong cooperation. Bosnia and Herzegovina remains committed to further strengthening its national judicial system at all levels in order to bring to justice the persons responsible for atrocity crimes. We have adopted a justice sector reform strategy for the period 2014-2018 that will contribute to the long-term reinforcement of the rule of law and further consolidate the judicial system, including measures to improve judicial independence and efficiency.

At the same time, the implementation of the national war crimes strategy continues to improve the consistency of juridical practices throughout the entire country at all levels. The implementation of the strategy is a complex process in which many institutions of Bosnia and Herzegovina participate at all levels of authority. Despite numerous challenges, important results have been accomplished. That is reflected in a steady increase in the efficiency of prosecutions of war crimes cases and certain progress in resolving outstanding Category II cases, as well as in issuing important indictments. In that regard, we welcome in particular the support of the European Union for the implementation of the strategy, and the support of the Organization for Security and Cooperation in Europe and the United Nations Development Programme, principally in connection with witness protection activities and the appropriate assistance and support to victims.

We are also pleased that the European Union has agreed to extend the joint European Union-ICTY Training Project for National Prosecutors and Young Professionals from the former Yugoslavia, as it has played a very important role in building the capacities of national justice sectors for the past eight years in order to ensure an efficient transition from the ICTY to national war crimes prosecutions.

We also remain committed to the promotion of stronger and more coordinated regional cooperation as the best possible continuation of the work of the Tribunal and the preservation of its legacy. In the joint efforts to deliver justice for numerous victims of our region lies the true strength of reconciliation, while in their remembrance and testimony lie a lesson and a reminder for future generations.

We welcome the continued activities carried out by the Residual Mechanism in the reporting period in increasingly assuming its designated responsibilities, and hope that the Mechanism will draw and build upon the best practices of the ICTY and the International Criminal Tribunal for Rwanda in order to fulfil its mandate.

The closure of the ICTY does not imply the end of my country's fight against impunity. Fighting impunity in a complex, multinational State is a prerequisite for achieving national reconciliation and long-term stability in the country and the region. In that regard, processing war crimes, regardless of the national or religious origin of the perpetrators and victims, is of crucial importance to achieving our goals of building a

peaceful and prosperous Bosnia and Herzegovina that is fully integrated into the European Union.

The President (*spoke in Spanish*): I now give the floor to the representative of Rwanda.

Mrs. Rugwabiza (Rwanda): At the outset, let me congratulate the delegation of Spain on its assumption of the presidency of the Security Council for this month. Let me also congratulate the delegation of Senegal for the exceptional work done during its presidency in the month of November.

I thank Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals; Judge Carmel Agius, President of the International Criminal Tribunal for the Former Yugoslavia; and Serge Brammertz, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia and Prosecutor of the International Residual Mechanism for Criminal Tribunals. I also thank all previous speakers.

As we reflect on the activities of the Residual Mechanism for International Tribunals, let me reiterate our belief that, despite serious shortcomings, the International Criminal Tribunal for Rwanda (ICTR) produced a substantial body of jurisprudence, including definitions of the crime of genocide, crimes against humanity, war crimes and rape as a weapon at war, as well as forms of responsibility, such as superior responsibility.

The Court also went further to conclude, in its judicial notice on 2 September 1998, that genocide was indeed committed in Rwanda against the Tutsi as a group, and, on 16 June 2006, the Appeals Chamber issued a judicial notice that it was "a fact of common knowledge" that "between 6 April and 17 July 1994, there was a genocide in Rwanda against the Tutsi ethnic group", and the Appeals Chamber also issued a judicial notice that

> "there is no reasonable basis for anyone to dispute that, during 1994, there was a campaign of mass killings intended to destroy, in whole or at least in very large part, Rwanda's Tutsi population".

We believe that those were legal doctrines and tests for assessing components of the crime of genocide, including the prosecution of 93 individuals, mainly the masterminds. That stood as an important contribution to the pursuit of justice after genocide, to reconciliation and to healing in my country, Rwanda.

Despite that, however, let me express our concern about ongoing attempts by perpetrators of genocide and their henchmen to deny the occurrence of the 1994 genocide committed against the Tutsi in the names of scholars, the media and politicians, and to distort facts and attempt to rewrite history. As such actions continue to be an ugly shared reality, we call upon States Members of the United Nations, individuals, institutions and the broader international community to denounce, in no uncertain terms, such attempts to deny or trivialize acts of genocide, or to minimize its scale. We not only call on Member States and all concerned to denounce those actions, we also exhort them to call to account all those who indulge or support the denial of genocide or revisions of genocides.

It is also regrettable that none of the remaining ICTR indicted fugitives have been arrested in the past five years, in addition to other suspects against whom there is ample and quite indisputable evidence. We once again call on Member States, especially those harbouring genocide fugitives, to honour their obligations to the Charter of the United Nations and the Convention on the Prevention and Punishment of the Crime of Genocide to arrest, and place all suspects on trial, in accordance with the relevant Security Council resolutions, or extradite them to where they can be tried, including in Rwanda. Anything short of that raises serious questions as to the credibility of Member States' stated commitment to international justice. We are equally concerned by the worrying pattern of early releases of convicted genocide masterminds. The observed pattern of reducing the sentences of genocide convicts on appeal is quite alarming.

We commend recent efforts by the Government of Canada, the Kingdom of the Netherlands and the United States Government for recent arrests and extraditions to Rwanda, and hope that more countries will do so in respect of genocide suspects residing in their territories. We also welcome the prosecution and subsequent convictions of Octavien Ngenzi and Tito Barahira in the Cour d'assises in Paris, as well as the recent confirmation through appeal of the sentence of Pascal Simbikangwa.

We regret that the status of progress in monitoring of cases referred to national courts outside Rwanda remains quite disappointing, while the procedures in two cases referred to Rwanda in 2012 and 2013 are well advanced. Last year, we noted with concern the decision by the French prosecution to drop charges against

Wenceslas Munyeshyaka, a decision that contradicts the nature and scale of the crimes committed in the light of available evidence.

The crime of genocide is imprescriptible — we will not cease to repeat that point. Rwanda will continue to legally pursue and seek answers from individuals, institutions and Governments for the allegations of acts of omission or commission, without which the genocide could have either been prevented, or deterred expeditiously, or, at the very least, we expect the Member States to refuse to grant safe havens to perpetrators of genocide.

Allow me to come back to an issue that is important to my Government, that of the ICTR archives. While we have, on many occasions and at different levels, expressed our view on the issue of the archives and on the urgent need for them to be relocated to Rwanda, while remaining the property of the United Nations, we are concerned by the lack of engagement by stakeholders, as well as the unilateral decision to store the genocide archives in a specific location without involving Rwanda. In that regard, I wish to state that the fate of those important pieces of our history cannot be decided merely on the basis of budgetary, logistical or administrative considerations.

Rwanda also wishes to clarify to the Security Council, and put on record, that a significant part of those documents, which comprise today's ICTR archives, were obtained from Rwanda and were released only to provide evidence in court, not for possession. They are yet to be returned to Rwanda.

The ICTR archives are the most comprehensive account of the 1994 genocide against the Tutsis, a piece of history that my country will not stop demanding to have restored to it — for the genocide happened in Rwanda, not on the moon, and that is where that part of our history belongs. Should any party have problems with our request, which is legitimate, we are open to engaging in a candid conversation. That is what we are asking for in order to address our outstanding demand.

In conclusion, let me assure everyone here of my country's unwavering commitment to work with all Member States and with the United Nations to bring to justice all perpetrators, deniers or revisionists of the genocide against the Tutsi who are still at large.

The President (*spoke in Spanish*): I give the floor to the representative of Croatia.

Mr. Drobnjak (Croatia): Allow me first to welcome the Presidents of the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals, Judges Agius and Meron, as well as Prosecutor Brammertz. I thank them for today's briefings and reports, and reassure them again of Croatia's full support for their continuous efforts to ensure accountability and promote the fight against impunity.

Last month we marked the sorrowful twenty-fifth anniversary of the tragedy of the Croatian city of Vukovar. This is no ordinary event for Croatia; on the contrary, the tragedy of Vukovar has a special place in our history and our memory, so I pay a tribute to Vukovar by starting my speech today in this way. Besieged for three long months in 1991, that once prosperous baroque city on the Danube was leveled to the ground with 6.5 million projectiles. Finally, on 18 November 1991, the city fell into the hands of its invading oppressors.

Today, 938 white crosses in the Vukovar cemetery recall some of the victims — those exhumed from mass graves in and around the city. This includes the site at Ovčara, where some 270 sick and wounded were taken from the Vukovar hospital and brutally executed. The crosses also stand as a reminder of the 86 children killed during the siege, the youngest being a six-month-old infant. Some 291 persons from Vukovar are still missing.

For the horror of Vukovar, which at the time was the largest massacre in Europe after the Second World War, the ICTY convicted two persons. One has died in the meantime; the other was sentenced to 10 years in prison and released early. Such a misbalance between the magnitude of crime and the smallness of justice served is something we shall always have in mind while making the final, historical evaluation of the Tribunal.

Throughout the years, Croatia has spoken extensively in this Chamber on the subject at hand. Our position regarding the ICTY is well known. So while we face the Tribunal's final chapter in its 23 years of existence, let me just add the following.

It is important to note that regional cooperation in criminal matters is evolving not in a vacuum, but against the backdrop of conditions so clearly described in the reports before us. These circumstances must change; they must improve in order to fully pave the way for the advanced regional cooperation that we long

for. Any assessment of this complex field must take that into account.

The judiciary in some parts of the region, while still struggling with inherent deficiencies, appears also to be increasingly subject to unwarranted interference as regards the prosecution of war crimes. For instance, in Bosnia and Herzegovina we note with concern inconsistencies in the prosecutorial approach, depending on the nationality of the accused, thus resulting in different laws and legal institutions being involved in war crimes prosecutions against individuals belonging to the different constituent nations in that country.

We emphasize the need to establish a consistency of jurisprudence across the country and to achieve better harmonization of case law in criminal matters. In parallel, the level of expertise needs to be improved in order to ensure international and European standards in the prosecution of war crimes, as well as consistency in the evidentiary and legal characterization of cases. We emphasize once again the utmost importance of refraining from any form of manipulation or bias in investigation and prosecution processes. The work of the judiciary must remain impartial and independent, outside and above daily politics. That goes both for cases transferred by ICTY to national courts and to those initiated by domestic prosecutors.

Croatia, as a State member of the European Union (EU) whose judicial system was under intense scrutiny during its successful accession to the EU and with an established record of accomplishment in prosecuting war crimes, stands ready to assist its neighbours in that regard. Croatia will not be deterred in its staunch support for the European and Euro-Atlantic perspective of the region, in particular that of Bosnia and Herzegovina, as the best impetus for the strengthening its institutions and the independence of its judiciary, as well as for guaranteeing the equality of its constituent peoples.

Let me reiterate again that full cooperation with ICTY must be ensured and that both the Tribunal and the Mechanism must receive all necessary support to complete their mandates on time. Croatia is carefully following all remaining cases before the ICTY and the Mechanism and expects their efficient and swift conclusion. While ICTY has irreversibly shaped contemporary international criminal justice and the world's attitude towards impunity, let us not forget that the work is not done yet and that countless victims are still waiting for justice to be served. In this regard, the final chapter in the work of the Tribunal and the Mechanism must also live up to expectations, in particular with regard to the scrupulous interpretation and appropriate implementation of international humanitarian and human rights law.

Finally, Croatia is considering with interest the proposal developed within the Tribunal for a series of legacy and closing events. We are ready to take part in these events, share our experiences and engage in discussions on how best to ensure its lasting legacy.

The President (*spoke in Spanish*): I now give the floor to the representative of Serbia.

Mr. Backović (Serbia): I thank you, Sir, for the opportunity to speak to the Council for the first time as representative of the Republic of Serbia. Let me welcome the Presidents and the Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals. I thank them for their semi-annual reports.

The fight against impunity for serious international crimes is a milestone for the principle of the rule of law at the international level. The unambiguous willingness of States to cooperate with ICTY regarding all acts that the Security Council recognizes in Tribunal's statute as serious international crimes should be viewed as a contribution to that fight. Serbia's contribution in that regard is best evidenced by the statistics on its cooperation with the ICTY. Parallel to that cooperation, the authorities of my country continue to fight impunity for core international crimes through proceedings before national courts.

The Republic of Serbia has handed over 45 defendants to the Tribunal out of the total of 46 whose surrender had been demanded from Serbia. One defendant committed suicide before he could be handed over to the Tribunal. Of that number, 14 defendants were arrested in the Republic of Serbia; 4 defendants were arrested abroad within the framework of cooperation between national security services with foreign agencies; and 27 defendants voluntarily surrendered.

Serbia also gave ICTY Prosecutors free access to important evidence located in Serbia, such as documents, archives and witnesses. So far, Serbia has positively resolved 2,151 out of 2,172 requests for assistance received from the Office of the ICTY Prosecutor, and 7 requests for assistance from the Office of the Mechanims Prosecutor. Serbia has allowed

757 witnesses to testify freely despite their right and/or obligation to withhold testimony due to State, military or official secrets. Various defence teams issued 1,332 requests, and no pending requests for assistance or disputes in that regard have been recorded. Serbia carried out all 11 requests for witness protection. It is also important to note that Government agencies successfully monitored all the provisional release cases and ensured that all the accused were returned to detention at the ICTY's request. The Serbian authorities are currently monitoring two provisional release cases.

In addition to cooperating with the ICTY, Serbia remains committed to improving the efficiency of domestic war crime proceedings, as evidenced by the obligations that Serbia has undertaken in accordance with its action plan under chapter 23 of its national strategy for the prosecution of war crimes, adopted by the Serbian Government earlier this year, as well as by the fact that eight indictments for war crimes against 15 individuals have been confirmed in Serbia in 2016.

Accountability for core international crimes, regardless of the national, ethnic or religious status of the perpetrators and victims, as well as reconciliation and cooperation in the region, continue to be priorities for Serbia. However, it is important to note that not all of those goals can be attained by Serbia acting unilaterally; for that, regional cooperation is necessary. Serbia is committed to improving that cooperation, and of course a similar commitment on the part of other countries in the region is needed, too.

We are aware that the fact that a new war crimes prosecutor has not been elected has caused some delays in implementing the strategy in Serbia, but I am pleased to inform the Council that the new election process has almost been completed. It must be carried out in accordance with our Constitution and the relevant laws, and with full respect for the autonomy of the public prosecutor's office and the independence and democratic proceedings of the National Assembly. None of those authorities should be exposed to any pressure or inappropriate internal or external influences when deciding on candidates for the position of war crimes prosecutor. However, the war crimes prosecutor's office has been performing its duties diligently, as the number of confirmed indictments testifies. That is also in line with Serbia's commitment to strengthening its institutions, regardless of who the leaders of those institutions are.

Despite the clear legal arguments to the contrary, there is still criticism concerning the case of the *Prosecutor v. Jojić et al.* case in the new report of the Tribunal (S/2016/670). According to arrest warrants issued by the ICTY Trial Chamber in a case of contempt of court, Serbia is once again facing accusations of the non-extradition of three individuals, Petar Jojić, Vjerica Radeta and Jovo Ostojić. In that regard, I would like to remind the Council of the decision of the Belgrade High Court issued on 18 May, which stated that in this case the legal conditions for executing the Tribunal's warrants were not met, because our law on cooperating with the ICTY stipulates that legal grounds for executing ICTY arrest warrants are provided only by indictments for core statutory crimes — such as grave breaches of the Geneva Conventions of 1949; violations of the laws or customs of war; genocide, and so forth — as opposed to indictments for contempt of court. Naturally, the Serbian law on cooperation with the ICTY closely follows the provisions of the ICTY Statute.

By its adoption and full implementation of its law on cooperation with the ICTY, Serbia has proved its commitment to prosecuting all the crimes that the Security Council has listed in the ICTY statute. Under Serbia's Constitution, our courts operate autonomously and independently, and pass judgement in accordance with the Constitution, the country's laws and the generally accepted rules of international law and other ratified international treaties.

Serbia has never failed to execute an ICTY arrest warrant based on the ICTY statute and the generally accepted rules of international law. The Belgrade High Court decision does not preclude similar future cooperation. However, there is no legal basis for the extradition in this case. The French authorities applied an identical provision of French law to an identical situation in refusing extradition in the case of Florence Hartmann. That decision was not reported to the Security Council as improper in any way. To sum up, the statute simply does not provide for the surrender of indictees accused of being in contempt of court. That is not written in the statute. Presumably, if the Council had intended that indictment for crimes other than serious crimes could serve as a basis for extradition, it would have written that into the statute. Article 29, as mentioned, does not provide for that, and I invite the Council to take a look at it. Nor does any other provision in the statute. That interpretation does not succeed, and probably would not succeed under the domestic laws of

the countries of most of the members of the Council. It is very possible that the Council's intention of providing for the Tribunal's prosecution and personal jurisdiction only of serious crimes has to do with the resources that the Council was able to dedicate to it at the time.

The second point that I would like to make has to do with the confirmation of the judgement in the case of Mr. Đukić. That judgement was rendered by the authorities in Bosnia and Herzegovina, and since Mr. Đukić is now in Serbia and Belgrade, the judgement has to be confirmed. The confirmation process has so far taken a year. Six hearings were held at which Mr. Đukić did not appear, owing to health problems, for which he presented doctor's notes as evidence. As a result, the judge has ordered his health to be assessed by an expert witness to decide whether he is well enough to be present at the confirmation hearing. Serbia has not refused or failed to confirm the judgement. I do not believe that the period of a year that has elapsed so far, compared with the length of time that the Tribunal has taken in some cases, is excessive. There is therefore no reason to point to this case with any criticism. Needless to say, Serbia is committed to respecting all of its international and bilateral agreements in that regard.

In conclusion, I would like to point out that Serbia's cooperation with the ICTY has been second to none. Serbia remains committed to contributing actively to the Tribunal's efforts to accomplish its mission, as well as to effectively prosecuting war crimes before its domestic courts. That is the only way we can achieve justice for the victims, regardless of their national, ethnic or religious origin. We will continue to strive for reconciliation, cooperation and stability in the region. The citizens of all the former Yugoslav republics deserve it.

The meeting rose at 12.40 p.m.

United Nations S/PV.7830

Security Council

Seventy-first year

Provisional

7830th meeting
Friday, 9 December 2016, 10 a.m.
New York

President:	Mr. Oyarzun Marchesi	(Spain)
Members:	Angola	Mr. Lucas
	China	Mr. Liu Jieyi
	Egypt	Mr. Kandeel
	France	Mr. Delattre
	Japan	Mr. Bessho
	Malaysia	Mrs. Adnin
	New Zealand	Ms. Schwalger
	Russian Federation	Mr. Zagaynov
	Senegal	Mr. Ciss
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Ms. Power
	Uruguay	Mr. Rosselli
	Venezuela (Bolivarian Republic of)	Mr. Ramírez Carreño

Agenda

The situation in the Democratic People's Republic of Korea

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The President (*spoke in Spanish*): I shall now give the floor to those members of the Council who wish to make statements.

Mr. Liu Jieyi (China) (*spoke in Chinese*): China is opposed to the Security Council discussing the situation of human rights in the Democratic People's Republic of Korea. The Charter of the United Nations stipulates in no uncertain terms that the primary responsibility of the Security Council is the maintenance of international peace and security. The Security Council is not a forum for discussing human rights issues, still less for the politicization of such issues. Given the current context, in which international peace and security are facing a plethora of dire challenges, the Council should scrupulously honour its responsibility and focus on issues related to international peace and security with undivided attention.

China consistently stands for the decnuclearization of the Korean peninsula and insists that it be kept peaceful and stable and that solutions be sought through dialogue and consultation. We shall not allow the peninsula to be torn asunder or riven with turmoil in any circumstances. Our position is in line with the common interests of the international community and all parties, and should be the common goal of everyone's efforts.

The discussion of the situation of human rights in the Democratic People's Republic of Korea is contrary and detrimental to that goal and of no benefit whatsoever. The current situation in the peninsula is complex, sensitive and dire. China hopes that Council members and other parties concerned will focus on the big picture, meet each other half way, do more to ease tensions on the peninsula, and avoid any rhetoric or action that could provoke or escalate tensions.

The top priority for the moment is to resume dialogue and negotiations among the parties as soon as possible, reopen the Six-Party Talks, jointly safeguard the process of denuclearizing the peninsula and make a genuine effort to ensure stability and peace on the peninsula. China will push for dialogue and consultation so as to resolve the relevant issues on the peninsula within the framework of the Six-Party Talks, in order to make a positive and constructive contribution to stability and peace on the peninsula at an early date.

Ms. Power (United States of America): In February 2014, the United Nations Human Rights Council commission of inquiry released its now famous report on human rights in North Korea (A/HRC/25/63), methodically documenting the widespread and systematic human rights violations carried out by the Government of the Democratic People's Republic of Korea. In December 2014, Australia led the Council in holding its first meeting to discuss the Democratic People's Republic of Korea's human rights situation as a threat to international peace and security (S/PV.7353). In December 2015, we held our second meeting on this issue (see S/PV.7575).

I think it goes without saying that there has been no improvement in the lives of the North Korean people. Just two days ago, the Office of the United Nations High Commissioner for Refugees issued a report about the thousands of families torn apart because of the Democratic People's Republic of Korea's repression and the instability it provokes in the region.

This is only one piece of the crisis, of course, as has been noted. This year has seen an increasingly aggressive Democratic People's Republic of Korea, with a record number of missile launches and two nuclear tests. This behaviour affirms what we have long stated — when Governments flagrantly violate the human rights of their own people, they almost always show similar disdain for the international norms that help to ensure our shared security. It stretches credulity, really, to suggest — as I know some Council members will today — that the brutal governance practiced by the Democratic People's Republic of Korea regime is neutral on international peace and security. We know that nobody is saying that it is good for international peace and security, but the idea that it is neutral — that it is somehow a stable form of governance — is just clearly not true.

It is inherently destabilizing when a regime carries out the kinds of horrors that this regime perpetrates against its own people, and given the other aspects of the threat to peace and security posed by its nuclear and ballistic missile programmes, that nexus should worry us all. It really belongs on our agenda here in the Security Council. The situation in the Democratic People's Republic of Korea is on the Council's seizures list, and that is where it belongs.

Therefore, with the delegations of eight other Security Council members, we requested this meeting

today. We strongly support the adoption of the agenda, and we very much look forward to the discussion.

Mr. Lucas (Angola): On the issue under discussion today, the Angolan delegation wishes to express its full support for the statement made by the representative of China.

Mr. Bessho (Japan): I shall say more following the adoption of the agenda, but wish to make a brief statement before we vote on the adoption of the agenda itself.

In December 2014 and again in December 2015, under the agenda item "The situation in the Democratic People's Republic of Korea", the Security Council held meetings on the situation in the Democratic People's Republic of Korea, which focused on its widespread and systematic human rights violations. Given the fact that there has been no tangible improvement in the human rights situation in the Democratic People's Republic of Korea since the publication of the 2014 report of the commission of inquiry (A/HRC/25/63), and given the destabilizing impact on the region and the maintenance of international peace and security of the human rights violations perpetrated by the Democratic People's Republic of Korea authorities, the reasons for the Council to hold a meeting on the situation in the Democratic People's Republic of Korea persist. We therefore support the adoption of the agenda.

The President (*spoke in Spanish*): I call the attention of Council members to document S/2016/1034, which contains a letter dated 1 December 2016 from the Permanent Representatives of France, Japan, Malaysia, New Zealand, Spain, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay to the United Nations addressed to the President of the Security Council.

In view of the request contained in document S/2016/1034 and the comments made by members of the Security Council, I propose to put the provisional agenda to the vote. Accordingly, I shall put it to the vote now.

A vote was taken by show of hands.

In favour:

France, Japan, Malaysia, New Zealand, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay

Against:

Angola, China, Egypt, Russian Federation and Venezuela (Bolivarian Republic of)

Abstaining:

Senegal

The President (*spoke in Spanish*): There were 9 votes in favour, 5 votes against and 1 abstention. The provisional agenda has been adopted.

The situation in the Democratic People's Republic of Korea

The President (*spoke in Spanish*): I shall now give the floor to members of the Council who wish to make statements following the voting.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): As it did last year, my delegation voted against the discussion by the Security Council of the human rights situation in the Democratic People's Republic of Korea.

We have often expressed our opposition to the Security Council's inclusion of human rights issues on its agenda. We believe that they do not fall within the Council's purview and should be considered in specialized bodies, first and foremost the United Nations Human Rights Council. The Security Council should concentrate on issues that represent a true threat to international peace and security. Regularly burdening the Council's agenda with issues that are not within its remit, such as today's item, inevitably weakens the Council's focus and force and undermines the effectiveness of its work.

If we consider the potential benefits of today's meeting, we may draw the conclusion from many years of experience in United Nations human rights bodies that wholesale criticism or the use of labels has never led to positive results, which can be achieved only by fostering trust and interaction among countries. Once again, we must note that today's discussion is another step in the opposite direction.

At this stage, the main goal of the Security Council should be to create conditions as soon as possible for the resumption of negotiations on the nuclear issue on the Korean peninsula. At the same time, our priorities should be to seek a peaceful resolution to the current problems. The current complex situation should not be a pretext for increasing foreign military capacity. We call on all sides to ease tensions, step back from

militaristic rhetoric and restart the political process as soon as possible to overcome this impasse.

Mr. Ramírez Carreño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela voted against the convening of today's meeting to review the human rights situation in the Democratic People's Republic of Korea because we believe that it is an initiative that shows the Security Council's growing interference in issues outside its specific competency with respect to the maintenance of international peace and security. Its competency is clearly set forth in the Charter of the United Nations, which is the legal instrument that specifies the functions of the various United Nations bodies in a careful and precise manner.

The issue before us today on the human rights situation in the Democratic People's Republic of Korea is not within the competency of the Security Council. Human rights issues must be addressed both by the General Assembly and by the Human Rights Council, a subsidiary organ of the Assembly located in Geneva, which was specifically established to discuss human rights issues and is duly empowered for that purpose. We therefore call for focusing on the Universal Periodic Review mechanism as the best way of dealing with human rights issues.

At present, the international community is facing the great and complex challenges that require action and specific and timely attention with respect to protracted conflicts owing to geopolitical and economic interests of certain Powers, which are undermining the Council's effectiveness as well as its credibility with the public. The issue of terrorism and its spread, the Middle East and the question of Palestine should be active priorities for the Council, yet the Council has shown remarkable inaction on those topics.

Venezuela reiterates its principled position on rejecting the treatment of human rights issues for politically motivated purposes or in a selective, partial or biased manner with the sole purpose of putting pressure on certain countries. Approaching human rights issues through politicization and selectivity, targeting certain countries, has proved to be ineffective and counterproductive, since it only exacerbates confrontation and undermines the Organization's and its subsidiary bodies' objectives, which is to use diplomacy to peacefully resolve conflicts. With these measures, the path to peace is undermined by the creation of an artificial differentiation between good and bad countries that does not foster a harmonious international climate or a dialogue in situations of great fragility such as that of the Korean peninsula.

Accordingly, it is essential that we continue exploring ways to promote respectful, constructive and transparent dialogue with Governments such as that of the Democratic People's Republic of Korea, as dialogue and cooperation are the only means for making progress in all areas. Only a week after the unanimous adoption of resolution 2321 (2016), where we unified our position with respect to nuclear and ballistic-missile activities in the Democratic People's Republic of Korea, we have taken an approach today that, by focusing on human rights issues in our consideration of the Democratic People's Republic of Korea, does help to create conditions conducive to resuming the way towards a sustainable political solution of the nuclear issue.

In conclusion, we wish to reiterate that the Security Council must strictly fulfil its obligations and review issues that are directly related to international peace and security. Today's debate, which is both outside the Security Council's natural competencies and distinctly different from the usual way of addressing the situation of the Korean peninsula, could become an element that upsets the pursuit of the Council's priority objectives for the peninsula. Against the backdrop of military tensions and the need to promote and support initiatives aimed at denuclearizing the Korean peninsula, diplomatic and political negotiations are the path that the parties must follow if they are to achieve a lasting solution.

The President (*spoke in Spanish*): Since we have adopted the provisional agenda, I will now suspend the meeting. We will resume the meeting after a brief break in order to continue consideration of the item on our agenda.

The meeting was suspended at 10.25 a.m. and resumed at 10.30 a.m.

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Republic of Korea to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Andrew Gilmour, Assistant Secretary-General for Human Rights and Head of the Office of the High Commissioner for Human Rights, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to warmly welcome the Deputy Secretary-General, Mr. Jan Eliasson, to whom I now give the floor.

The Deputy Secretary-General: I welcome this Security Council meeting on the human rights situation in the Democratic People's Republic of Korea. This is a matter of great concern that demands our attention. As members may recall, the magnitude and scale of abuses suffered by the people of the Democratic People's Republic of Korea were documented by the commission of inquiry in 2014. The Commission noted that the violations, "reveal a State that does not have any parallel in the contemporary world" (*A/HRC/25/63, para. 80*). The Commission's recommendations were instrumental in reframing the United Nations efforts to improve the country's human rights situation. The commission of inquiry concluded that crimes against humanity have been committed and rightly called for accountability.

The Security Council carried this process further last week by adopting resolution 2321 (2016). That was the first time that the Council specifically requested the Democratic People's Republic of Korea to respect and ensure the "welfare and inherent dignity" of people in its territory, in paragraph 45 of that resolution. The General Assembly, in its resolutions on this issue have repeatedly encouraged the Security Council to ensure accountability, including by considering to refer the situation in the Democratic People's Republic of Korea to the International Criminal Court.

The patterns of grave violations of human rights in the Democratic People's Republic of Korea have repeatedly been established. The authorities have given no effective commitment to remedy the situation. People inside the Democratic People's Republic of Korea are unable to make their voices heard because of the restrictions and the risks that they face if they exercise their rights. The most vulnerable continue to suffer from a cruel network of political prison camps, an exploitative economic system and widespread discrimination based on social status.

Two days ago, the Office of the High Commissioner for Human Rights issued a report that assessed the different ways in which families have been separated since the 1950-1953 Korean War. The report found that involuntary separation is not just the consequence of the war but also the result of structural forms of exclusion, impunity and disempowerment. Furthermore, the country is experiencing a humanitarian emergency. Approximately 70 per cent of the population of the Democratic People's Republic of Korea — 18 million people — are considered food insecure. A quarter of the population has inadequate access to health services. A fifth of the population lacks access to clean water and proper sanitation. The impact on children, whose developing bodies are vulnerable to lasting damage, is simply ruinous. Stunted growth is a rampant phenomenon.

Those persistent humanitarian needs are exacerbated by recurring natural disasters, such as the floods that devastated the northern part of the country in September and affected 600,000 people. In line with the no-one-left-behind principle of the Sustainable Development Goals, it is imperative to decouple geopolitical considerations from United Nations humanitarian and development support to people in need. Resolution 2321 (2016) underlines that the measures imposed were not intended to have adverse humanitarian consequences for the civilian population.

I urge members of the Council to ensure that the already critical humanitarian situation does not deteriorate further owing to such measures. Funding for relief activities in the Democratic People's Republic of Korea is essential, in particular to ensure that vulnerabilities do not increase in the face of stricter sanctions. Assistance has steadily declined regretfully over the past decade, preventing humanitarian agencies from responding effectively to the needs of the most affected. Approximately $145 million are required to address the Democratic People's Republic of Korea's critical humanitarian needs. I count on Member States to support those life-saving activities.

History teaches us that serious human rights violations are warning signs of instability and conflict. The abduction of foreign nationals, enforced disappearances and people fleeing desperate situations all demonstrate the links between human rights, humanitarian crises and international peace and security. Any attempt to achieve lasting peace and stability demands justice and redress for victims inside and outside the Democratic People's Republic of Korea. It is very difficult to obtain up-to-date and comprehensive information about human rights developments in that country. The information we have, however, reveals a continuing pattern of serious human rights violations, and we see very few, if any, signs of improvement. The

Democratic People's Republic of Korea has obligations under international law. We call on its Government to abide by them. But the international community also has collective responsibilities — first to protect the country's population from the most serious violations of international humanitarian law and human rights; secondly to live up to the principle and norm of the responsibility to protect; and thirdly to consider the wider implications of the human rights situation for regional stability.

The United Nations has taken a number of steps recently to address the human rights situation in the Democratic People's Republic of Korea. The new Special Rapporteur presented his report (A/71/367) to the General Assembly in October, and during the same month, the Secretary-General also issued his report (A/71/439) to that body. The Third Committee has agreed on a draft resolution (A/C.3/71/L.23) that will be adopted by the General Assembly next month. In response, the Democratic People's Republic of Korea has maintained its strong objections to country-specific resolutions and mandates. While expressing hope for dialogue and cooperation on human rights, the representative of the Permanent Mission of the Democratic People's Republic of Korea has said it will

> "take all appropriate measures vis-à-vis the hostile acts against the Democratic People's Republic of Korea that become increasingly aggressive under the pretext of human rights".

During his 10 years in office, Secretary-General Ban Ki-moon has made extensive efforts to promote peace and reconciliation, as well as development and respect of human rights in the Democratic People's Republic of Korea. We must remain committed to pursuing peaceful, diplomatic and political paths forward towards dealing with this complex and dangerous situation. The United Nations will continue to work towards ensuring a genuine and lasting improvement of the human rights and humanitarian situation in the Democratic People's Republic of Korea. We stand ready to help in all possible ways. That could include human rights dialogues, visits to the country with sufficient access to assess conditions on the ground, cooperation initiatives and people-to-people contacts.

To conclude, let us use all the tools at our disposal — the Human Rights Council, the General Assembly, the Security Council and United Nations and other international entities — to take action to build a better future for the people of the Democratic People's Republic of Korea.

The President (*spoke in Spanish*): I thank the Deputy Secretary-General for his briefing.

I now give the floor to Mr. Gilmour.

Mr. Gilmour: As the Deputy Secretary-General has just described, one year has passed since the situation of human rights in the Democratic People's Republic of Korea was last discussed by this body (see S/PV.7575). Our concern expressed back then has only deepened. There has been no improvement in the truly appalling human rights violations in the country. The nature and scale of the violations occurring in the Democratic People's Republic of Korea thoroughly underscore the link between human rights and peace and security. The commission of inquiry found that numerous crimes against humanity had been committed — and they continue — including extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation.

The Office of the High Commissioner for Human Rights (OHCHR) continues its efforts to help ensure accountability for violations, while seeking every opportunity to engage with the Government. Although monitoring the human rights situation in the country remains a challenge, the testimonies of people who have left the country and information gathered through other sources indicate that the pattern of human rights violations documented by the commission of inquiry are continuing. Major political events, such as the seventh Congress of the Workers' Party of Korea in May and the Supreme People's Assembly in June this year seemingly failed to create an opening for any new policies that protect human rights.

In the past 12 months, OHCHR has conducted more than 110 interviews with persons who had left the Democratic People's Republic of Korea. A major issue that emerged during these interviews was the treatment of people in the custody of law enforcement agencies. All of those who had been detained stated that they were subject to, or else personally witnessed, practices that clearly contravened international human rights standards. Violations included torture and ill-treatment, which is routinely used during detention,

investigation and imprisonment. Cases were reported of solitary confinement for several days in a cell so small that the detainee was unable even to sit down. Other violations included poor detention conditions; inadequate access to food, water and sanitation; lack of judicial review; lack of access to lawyers and family members; and other violations. Suspects are rarely allowed to present evidence that contests the charge against them. These violations reflect the larger context in which the criminal justice system fails to protect the rights of individuals. The system is characterized by significant oversight by the Workers' Party of Korea, while the role played by the judiciary and lawyers is very limited.

The procedures surrounding the persecution of individuals deemed to have committed political crimes is even more secretly guarded. While the Government continues to deny even the existence of these prison camps, many citizens of the Democratic People's Republic of Korea are aware of their existence. Observation from the outside, including through satellite images, has confirmed their continued operation. No independent international human rights monitors have ever been able to access one of these camps.

The freedom of expression, association and peaceful assembly remain almost entirely restricted. Despite a reported increase in ownership and use of mobile phones and Internet services, all mass media remains under Government control and access to foreign media is prohibited. Harsh restrictions on freedom of movement continue to affect citizens, who are not allowed to travel abroad or even within the country without permission. The restrictions at the border area have reportedly been increasingly tightened making it even more difficult for individuals to leave the country. Those who seek to leave are at risk of trafficking and refoulement in contravention of the 1951 Convention relating to the Status of Refugees. Women, in particular, are at risk of sexual abuse, detention and ill-treatment following refoulement. There is no known independent civil society movement whatsoever. Nationals of the Democratic People's Republic of Korea working outside the country live in substandard conditions and are subject to severe surveillance and oversight, while the Government appropriates most of the income they generate.

Turning to economic and social rights, the Democratic People's Republic of Korea also faces significant challenges in fulfilling this important area of the rights of its citizens, despite the authorities' stated commitment to improve the living conditions of the population. The country continues to be affected by chronic food shortages, which have resulted in protracted undernutrition, affecting in particular children, pregnant and nursing women, and older persons. The public distribution system of food is not functioning, except for a few privileged classes. Most citizens depend on private, mostly illegal, commercial activities to fulfil basic needs. Frequent mobilization for public work, such as the 200-day campaign before the Workers' Party Congress in May, reportedly impacted negatively on the ability of residents to engage in commercial activities. Residents of the north-eastern provinces who were affected by the typhoon and flood in late August are likely to remain particularly vulnerable to food insecurity this winter. Discrimination in access to employment, education and other services based on a person's family background, or songbun, continues to be reported.

The heightened security tensions have direct consequences on human rights. For example, the people-to-people contact between the two Koreas, also recommended by the commission of inquiry, ceased after the Democratic People's Republic of Korea nuclear test in January. Reunions of separated families have not taken place since October 2015. The report released by OHCHR two days ago, highlights the plight of tens of thousands families who have been separated across the border during and since the Korean War without possibility of reconnecting with relatives on the other side.

There has also been no progress in resolving the issue of international abductions of 516 individuals who were abducted from the Republic of Korea after the armistice. Likewise, no satisfactory answers have been given to establish the fate of individuals abducted from Japan and other countries.

Following the adoption in March this year of Human Rights Council resolution 31/18, the High Commissioner appointed two independent experts in support of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Ms. Sonja Biserko and Ms. Sara Hossain, to focus on issues of accountability, in particular where such violations amount to crimes against humanity. The two experts have just concluded a mission to the Republic of Korea and Japan, and have also sought to engage the Democratic People's Republic of Korea to share the

Government's views and information. Their report will be included as an annex to the Special Rapporteur's report to the Human Rights Council in March 2017. The new Special Rapporteur, Mr. Quintana, is exploring the possibility for dialogue with Democratic People's Republic of Korea authorities while recognizing that accountability must be part of such engagement.

We remain committed to continuing engaging with the Democratic People's Republic of Korea to improve the human rights situation inside the country. In a positive development, in 2016, the Government submitted reports to the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. Our Office has continued to offer technical assistance to the Democratic People's Republic of Korea to help the Government implement its human rights obligations.

Failure to hold perpetrators of gross human rights violations accountable, some of which amount to crimes against humanity, will be a disappointment for the victims and will sow the seeds of further instability and tension. Accountability is vital and we hope the Security Council will remain seized of this matter. The General Assembly has again in its resolution this year encouraged the Security Council to take appropriate action to ensure accountability, including through consideration of a referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court.

Improvement in human rights in the country will not only protect the livelihoods and dignity of people in the Democratic People's Republic of Korea, but also promote long-term security and stability in the region and beyond. Conversely, escalated security tensions will further isolate the country and leave the Democratic People's Republic of Korea population as usual to bear the terrible consequences at yet further expense of their human rights.

The President (*spoke in Spanish*): I thank Mr. Gilmour for his briefing.

I shall now give the floor to Council members.

Mr. Bessho (Japan): I would like to start by thanking Deputy Secretary-General Mr. Jan Eliasson for his forceful remarks. I am also grateful for the clear and thorough briefing by Mr. Andrew Gilmour, Assistant Secretary-General for Human Rights and Head of the Office of the High Commissioner for Human Rights.

The report of the commission of inquiry on human rights in the Democratic People's Republic of Korea of February 2014 (A/HRC/25/63) sheds light on the critical human rights situation on the ground. Regrettably, there has been no sign that the situation has improved since the report was released. Under such circumstances, today, the Security Council has rightly decided to have a briefing under the agenda "The situation in the Democratic People's Republic of Korea" for the third consecutive year.

The Democratic People's Republic of Korea conducted two nuclear tests and launched more than 20 ballistic missiles this year, despite the fact that three-quarters of its population are in need of some form of humanitarian assistance and that the total humanitarian funding requirement of the United Nations and other non-governmental organizations reaches $145 million. Even as the people in the Democratic People's Republic of Korea suffer from great unmet needs, the Democratic People's Republic of Korea authorities pursue nuclear weapons and ballistic missiles at the sacrifice of the fundamental human rights and welfare of their own people.

Japan, along with every other Security Council member, condemns the current state of affairs. The authorities of the Democratic People's Republic of Korea should respect and ensure the welfare and inherent dignity of their citizens. That message was conveyed in resolution 2321 (2016), which the Council adopted unanimously on 30 November. The same concern was also expressed in the Third Committee's draft resolution on the situation of human rights in the Democratic People's Republic of Korea (A/C.3/71/L.23), which was adopted by consensus in October. As the High Commissioner for Human Rights pointed out in his briefing last year, and as has been confirmed by the briefers today, there is a clear linkage between human rights violations in the Democratic People's Republic of Korea and the instability of the region. Addressing the root causes of the threat to international peace and security falls undoubtedly within the mandate of the Security Council.

The abduction of foreign nationals by the Democratic People's Republic of Korea is a case where human rights violations and threats to international peace and security clearly overlap. As the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea states:

> "Since 1950, the Democratic People's Republic of Korea has engaged in the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons from other countries on a large scale and as a matter of State policy." (*A/HRC/25/63, para. 64*)

Hundreds of nationals from the Republic of Korea, Japan and other countries have been abducted and disappeared. Abduction committed by the Democratic People's Republic of Korea undermines the sovereignty of the countries concerned and casts fear over the lives and safety of their citizens. At the same time, the issue is a grave human rights violation as abductees' invaluable futures have been stolen and their bonds with their families have been severed. Even now in the harsh situation of the Democratic People's Republic of Korea, many abductees are being deprived of freedom and are awaiting rescue. As abductees and their families grow older, the issue can avoid no further delay.

Regrettably, there is no indication that the authorities of the Democratic People's Republic of Korea have moved to improve the human rights situation on the ground. Therefore, the efforts of the international community to ensure accountability are needed. In March 2017, the Human Rights Council will receive a report from the Group of Independent Experts on Accountability for Human Rights Violations in the Democratic People's Republic of Korea, as set out by the Human Rights Council in resolution A/HRC/31/18. I would also like to recall that General Assembly resolution 70/172 encourages the Security Council to take appropriate action to ensure accountability.

With that said, I would like to stress that such efforts do not aim to isolate the Democratic People's Republic of Korea from the international community. I trust that the United Nations human rights mechanisms always have their doors open to the Democratic People's Republic of Korea for dialogue. We sincerely hope that at the end of the day, the Democratic People's Republic of Korea alters its course towards the improvement of human rights and invests its limited resources in the improvement of the welfare and fundamental rights of its citizens instead of in the development of nuclear weapons and ballistic missiles. We also hope that the Democratic People's Republic of Korea comes back to the table of credible dialogue with the international community in order to resolve our various concerns. We believe that such a shift will lead to greater stability in the region.

Mr. Ryecroft (United Kingdom): At the outset, let me welcome Deputy Secretary-General, Mr. Jan Eliasson, and Assistant Secretary-General for Human Rights, Mr. Andrew Gilmour, back to the Council and thank them for their briefings. In case this is my final opportunity in this Chamber, allow me to commend and congratulate Mr. Eliasson personally for everything that he has done through his distinguished career on human rights and other aspects of the Charter of the United Nations.

We have heard some members argue today that we should not be focusing on human rights in the Democratic People's Republic of Korea — that this is not a matter for the Council. I have to respectfully disagree. When a regime chooses to spend its resources on reckless nuclear policies and not on its people, peace and security are threatened. When a State violates the sovereignty of its neighbours and abducts their citizens, regional stability is jeopardized. When a regime shuts off its people from the world, denying them their most basic rights, the Charter of the United Nations is ignored. So it is entirely right that we are holding this session today. Human rights violations are like the canary in the coal mine, warning us of threats to international peace and security.

I want to focus my statement on a very specific human rights concern in the Democratic People's Republic of Korea: the use of forced labour. The word "concern" does not do the issue justice. Forced labour in the Democratic People's Republic of Korea is a travesty and a tragedy that has led to the deaths of hundreds of thousands of North Koreans. In truth, my words cannot convey the horror so let me use those of Hyuk Kim, who was held in the Jungeori Labour Camp. He said,

> "At Jungiori, there was no sense of being human ... You do the labour you were ordered to do. No thinking. No free will. Just fear."

His testimony speaks of unimaginable hunger and cruelty. He would supplement his meager diet with rats eaten raw because, as he stated: "If you tried to cook the rats, the guards would smell the meat or fire, catch you and beat you mercilessly."

Such cruelty has been experienced by so many North Koreans. That cruelty has served only one purpose: to generate income for the regime. The regime has chosen to spend that income on its illicit nuclear and ballistic missile programmes, which violate so many resolutions of this Council. That is only one part

of the story. Beyond North Korea's borders, there lies another travesty, another tragedy. That is the tragedy of tens of thousands of North Koreans forced to work abroad to raise money for the regime in circumvention of United Nations sanctions. It is estimated that that practice raises as much $2 billion in foreign currency each year. That money is made by putting North Korean in unscrupulous mines, factories and construction sites, often at great risk and often without any protection. For those workers, being abroad offers no escape from the cruelty that I described earlier. They live their lives under constant surveillance by their gang masters, to whom they lose most of their meager pay. They work up to 20 hours per day without sufficient food. They are forcibly separated from their loved ones, unsure of when or whether they will see them again.

We should call this what it really is. Whether inside or outside the Democratic People's Republic of Korea, it is modern slavery. The Government of the United Kingdom is committed to ridding the world of such a scourge. It is a personal priority of British Prime Minister, Ms. Theresa May, and the United Kingdom is galvanzing international efforts to bring an end to modern slavery globally. We cannot underestimate the scale of the challenge in the Democratic People's Republic of Korea. To date, the regime has refused to engage in any meaningful dialogue with the international community on human rights. The Special Rapporteur and international observers are still denied full and unhindered access to the Democratic People's Republic of Korea. The previous Foreign Minister said in March that the Democratic People's Republic of Korea would no longer participate in international discussions on the issue. That is a shameful rejection of the international norms and principles that underpin the United Nations Universal Declaration of Human Rights. It is also a rejection of the views of the majority of United Nations Members. Over 100 countries spoke loudly and clearly when the Third Committee adopted draft resolution A/C.3/71/L.23, calling on the Democratic People's Republic of Korea to respect the rights of its people.

Today, let us all urge the Democratic People's Republic of Korea to re-engage with the international community and start a process of dialogue — one that leads to credible, concrete steps to improve the human rights of its own people. The United Kingdom believes in such a dialogue. It is why we continue to have diplomatic relations. It is why we build people to people links through the sponsorship of education and humanitarian projects. Moreover, it is why our Embassy in Pyongyang will continue to deliver strong messages on human rights directly to the regime. We will not let up in our efforts to convey the international community's concern. We urge the Government of the Democratic People's Republic of Korea to take action. The Council must follow suit.

Mr. Yelchenko (Ukraine): I thank Deputy Secretary-General Jan Eliasson and Assistant Secretary-General Andrew Gilmour for their sound introductions to our debate.

My delegation believes that gross and flagrant human rights violations are the flip side of the nuclear ambitions and aggressive policy of Pyongyang, and therefore represent a threat to international peace and security. In that light, I recall paragraph 45 of resolution 2321 (2016), unanimously adopted on 30 November in response to the fifth nuclear test conducted by the Democratic People's Republic of Korea. In that paragraph, the Council reiterates its deep concern at the grave hardship that the people in the Democratic People's Republic of Korea are subjected to, and condemns the Democratic People's Republic of Korea for pursing nuclear weapons and ballistic missiles instead of the welfare of its people.

The latest report of the Secretary-General (A/71/439) clearly indicates that there has been no tangible improvement in the human rights situation in the Democratic People's Republic of Korea since the report of the commission of inquiry (A/HRC/25/63) was published in 2014. Therefore, the human rights and humanitarian situation must remain high on the international agenda and be regularly discussed, including in all three principal organs of the United Nations that deal with human rights, namely, the Human Rights Council, the General Assembly and the Security Council.

Ukraine welcomes the steps undertaken by the international community in the past few years to convince the Government in Pyongyang to change its course of widespread and systematic human rights violations. We strongly support the conclusions and recommendations of the commission of inquiry on human rights in the Democratic People's Republic of Korea, as well as the establishment of the High Commission for Human Rights office in Seoul one year ago for monitoring and reporting on the situation on the

ground. And yet, no tangible progress on the issue can be reported so far.

The last time the Council considered the situation in the Democratic People's Republic of Korea was on 10 December 2015 (see S/PV.7575). Since then, that matter has been raised in the Human Rights Council and the General Assembly. Has the human rights situation improved? The long but not exhaustive list of violations that cause immeasurable suffering to the people in North Korea, and remain a fact of life over there, include torture and other cruel, inhuman and degrading treatments or punishments; rape; extrajudicial and arbitrary detention and public executions; the absence of due process and the rule of law; the imposition of the death penalty for political and religious reasons; and collective punishments that have lasted as long as three generations.

We share the sense of importance and urgency for North Korea to engage with the international human rights system, including by ensuring safe and unfettered access to the territory of the country for United Nations monitoring mechanisms, in particular the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, as well as for the Group of Independent Experts on Issues of Accountability for Human Rights Violations, including crimes against humanity.

Can the international community tolerate the continuation of flagrant human rights violations in the twenty-first century? The answer seems obvious. Ukraine therefore supports the decision of the Third Committee on the need to take appropriate action to ensure accountability, including through the consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations.

This year has been unprecedented in terms of increased tensions on the Korean peninsula, due to the extremely irresponsible and provocative policy of Pyongyang. We express our grave concern over the impact of diverting resources to advance nuclear weapons and ballistic missiles programmes on the humanitarian situation in the country. The evolving militarization has already adversely affected and continues to undermine the socioeconomic situation. It has produced a downward spiral and steady deterioration in which the quality of the lives of ordinary citizens, who regularly suffer from food shortages and even hunger.

What justification can there be for wasting precious and limited resources on military programmes at the expense of the livelihood of the people who are literally held hostage by the grand ambitions of a few power- and attention-hungry individuals? Would any adequate Government choose a path of recklessly endangering international peace and security over its direct responsibility to ensure that its own people do not suffer from malnutrition?

It is important that the international community acts decisively and jointly to find the balance between promoting dialogue with Pyongyang and pressing for accountability, due to its numerous blatant violations of international law. Left unaccountable, totalitarian regimes perceive themselves as invincible and challenge their neighbours and international order. If the Council is serious about conflict prevention, it should act early and swiftly. Peace and stability in the region depend on it.

Mr. Delattre (France) (*spoke in French*): I wish to begin by thanking Deputy Secretary-General Mr. Jan Eliasson and Assistant Secretary-General Mr. Andrew Gilmour for their briefings. Let me also take this opportunity to express to Mr. Jan Eliasson the deep gratitude of France for his exemplary work on all fronts, beginning with human rights, which serves as a source of inspiration and admiration.

First and foremost, I wish to welcome the decision taken once again by the Security Council to allow those briefings to be delivered under a stand-alone item on the agenda. The situation, which remains one of the most serious in the world, warrants the full attention and mobilization of the Security Council. It is the Council's responsibility, inasmuch as some of those crimes may constitute crimes against humanity. Given the gravity and systematic nature of those violations, they are the expression of an absolute totalitarianism that flies in the face of the rule of law.

The report of the international commission of inquiry of February 2014 shed light on

> "the gravity, scale and nature of these violations [that] reveal a State that does not have any parallel in the contemporary world" (*A/HRC/25/63, para. 80*).

The North Korean regime has chosen to give priority to repression and to developing its nuclear and ballistic capacities to the detriment of the economic development and welfare of its people. In that sense, it poses a threat to the region and, further afield, a threat to international peace and security. That is yet another reason for the Security Council to be seized of the situation.

The briefings that we have just heard demonstrates that the situation has remained unchanged since the commission of inquiry's report was published, with mass executions, tens of thousands of political prisoners, the systematic use of torture, slavery, famine, abductions, the displacement of populations, trafficking in human beings and women in particular, and finally the restriction of access to essential services, due to the fact that the resources of the State have been diverted for military purposes. That is, of course, not an exhaustive list. Let me focus on three points.

First, there is a right to freedom of opinion and expression, the exercise of which enables us to determine whether other rights are being respected. In North Korea, crimes are committed under the guise of censorship and the prohibition of any form of critical expression. The witnesses of that tragedy are reduced to silence. There is a lack of human rights advocates, a lack of free press and a lack of international media. The High Commissioner for Human Rights no longer has access to the territory. The entire population is subject to controlled education and alienated, or even imprisoned and killed, in its own land.

Accordingly, we must welcome the holding of this meeting of the Security Council; the existence of an office of the High Commissioner for Human Rights in Seoul, designed to follow the situation in North Korea; the annual General Assembly resolution; and the organization of events at the United Nations. All of that can help to maintain the vigilance of the international community, despite the authorities' attempt to stifle it.

Secondly, I would like to discuss the fate of the victims of enforced disappearances and the families that have awaited news of their loved ones for years. The tragedy of enforced disappearance, which France is keen to combat, is out of all proportion in North Korea. It also extends to other countries, especially Japan, whose authorities are still waiting for the enquiries promised by the North Korean authorities to be conducted. We encourage all States whose nationals have been abducted by the regime to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which was adopted 10 years ago. The Convention, the Working Group and the Committee on Enforced Disappearances provide States with the technical assistance necessary to combat this scourge.

France also supports the strong plea made by the High Commissioner for Human Rights the day before yesterday, 7 December, in response to the suffering of these families, some of which have been separated for more than 60 years, since the Korean War.

Thirdly, I wish also to draw attention to the situation of North Korean workers abroad, who are the modern slaves of a regime that diverts the majority of their income to fund its nuclear and ballistic programmes, in violation of the international commitments undertaken by North Korea, in particular with respect to Security Council resolutions. These workers, who are scattered across a number of countries, live in conditions that clearly violate international human rights standards. We must work together to put an end to the use of these men and women in service of a cause that seriously endangers international and regional security and undermines their most fundamental rights and freedoms.

The Pyongyang regime must shoulder its responsibilities, which are clear: put an end to violations, release political prisoners, and provide justice and reparations. Here I wish to reaffirm the importance of the fight against impunity and to welcome the work of the group of independent experts on impunity, whose recommendations we will read attentively. All options must be collectively explored, including the referral of the situation to the International Criminal Court and sanctions imposed for reasons related to human rights.

Following his visit to Seoul in late November, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made a plea for "a people-focused approach in dealing with the situation in North Korea".

Let me conclude by drawing the Council's attention to those who, risking their lives, crossed borders to bear witness to the daily oppression that is crushing the people of North Korea. The Council must spare no effort to find the ways and means necessary to ensure that concrete change finally occurs, for the sake of the security and well-being of these people, these men,

women and children who daily are subject to violations and live in fear.

Mr. Kandeel (Egypt) (*spoke in Arabic*): My country listened closely to the briefings on the situation of human rights in the Democratic People's Republic of Korea and would like to make the following remarks.

The Charter of the United Nations has given a mandate to the Security Council to address cases that pose a threat to international peace and security exclusively, while other organs have been charged with addressing human rights situations in States, taking an approach that is based on respect and free from politicization, slander or the use of the lofty principles of human rights as a tool for selective targeting in the service of narrow political interests.

My country would therefore like to express its dismay at the way in which some are insisting on portraying human rights violations in a certain country as one of the root causes of conflict and claiming that such cases and situations fall under the mandate of the Security Council. In this regard, we wish to note that we reject any link between the two issues, which represent an overlap between the main pillars of the work of the United Nations.

The promotion of the situation of human rights in all countries of the world depends on an approach that is based on honest and constructive dialogue, international cooperation and the exchange of best practices, including through technical cooperation. The Human Rights Council, especially through the Universal Periodic Review, is an international forum that allows all States to exchange views and relevant concerns in order to achieve the common goal of promoting and protecting human rights in all countries under review.

Egypt rejects any consideration of the situation of human rights by the Security Council because we believe in the need to reject politicization, partiality, subjectivity and double standards. All human rights issues must be addressed fairly and honestly, and they should not be used as a means to interfere selectively in the internal affairs of States, in line with Article 2 of the Charter of the United Nations and in order to preserve the credibility of the international bodies mandated to address human rights as forums for international cooperation and dialogue instead of confrontation.

On the other hand, and taking into consideration the aforementioned, Egypt would like to express sympathy in connection with the issue of Japanese abductees. We stress the need to find effective means to address the concerns of the Japanese Government in this regard at the bilateral level and in international, bilateral and multilateral forums. We encourage the two parties to engage in a constructive dialogue to reach an immediate and satisfactory solution to this issue.

In closing, we stress the need for the political will necessary to respect the Charter and the prerogatives of the organs of the United Nations. Current conflicts around the world, continued occupation and protracted conflicts, the proliferation of terrorism and weapons of mass destruction, the increasing number of refugees and the problem of illegal migration all highlight the need for the Security Council to focus exclusively on its important role of maintaining international peace and security instead of encroaching on the prerogatives of other United Nations organs.

Ms. Power (United States of America): I wish to thank all Council members that supported the holding of this meeting in order to address a grave crisis. I thank also Deputy Secretary-General Eliasson, whom we will miss, and assistant Secretary-General Gilmour for their appropriately bleak briefings.

This is the third time that the Council is meeting to discuss human rights in the Democratic People's Republic of Korea. We first took up the issue in 2014, on the grounds that the widespread and systematic human rights violations being committed by the North Korean Government posed a threat to international peace and security. Unfortunately for the people of North Korea, the deplorable human rights situation in the Democratic People's Republic of Korea remains unchanged. As the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea put it in its 2014 report, the situation still to this day "does not have any parallel in the contemporary world".

As we have seen in other parts of the world, when Governments flagrantly violate the human rights of their own people, they almost always show similar disdain for the international norms that help ensure our shared security. We see the Democratic People's Republic of Korea regime grow its illicit weapons programme rather than growing its own children. According to the World Health Organization, one in every four children in the Democratic People's Republic of Korea suffers

from stunted growth as a result of chronic malnutrition, and yet, while children in North Korea go hungry, the regime continues to channel the overwhelming majority of its resources into building up a weapons programme that the Council has repeatedly told it to stop.

Let me give another example of how these two issues are linked. Last April, the United States hosted a meeting at the United Nations at which defectors shared their experiences. One of the speakers was Kim Hye-sook, who had been sent to the Bukchang political prison at the young age of 13, where all prisoners, including children, were forced to work 16- to 20-hour days in the coal mines. Many died in the camp, she said, including her husband and brother. Some were literally worked to death. The prison guards did not care. Ms. Kim, who spent 14 of her 28 years on this Earth in the camp, recalled that in the eyes of the guards the victims were "not even worth one ton of coal".

Such harrowing conditions would be worthy of condemnation in any circumstance, but they are relevant to the discussion of international peace and security because, as we all know, coal exports account for one third of the total export revenue of the Democratic People's Republic — revenue that, according to resolutions adopted by this Council, is supposed to go to helping the North Korean people. However, that regime uses the revenue from working its people to death in these coal mines to build more nuclear weapons and ballistic missiles. This is one of the many reasons why the sanctions resolution 2321 (2016), adopted by the Security Council last week, is the first ever to state explicitly that the North Korean Government must respect and ensure the welfare and inherent dignity of people in its territory.

So in 2016, let us end the debate on whether the human rights violations in the Democratic People's Republic of Korea constitute a threat to international peace and security. This debate distracts us from focusing on the catastrophic human rights situation in the that country and what we can do to change it.

Today I would like to highlight one of the most devastating consequences of the actions of the Democratic People's Republic: the families that have been torn apart by the regime's abuses. In October, I traveled to the Republic of Korea and Japan, where I had the chance to meet directly with some of the affected families. The pain of separation was the common thread that ran through every one of my conversations. In South Korea I visited the Hanawon Resettlement Center, which tries to prepare recently arrived defectors from North Korea for their immersion into a completely different world, as well a school in Seoul for young defectors.

One young woman I met in Hanawon spoke of how she had told no one — not even her parents — about her intention to flee North Korea. Yet even though her parents knew nothing of her plans, local officals went on to blame them anyway, hounding the family until they were forced to flee their home and go into hiding. Another young defector in Seoul told me that her widowed mother, who also knew nothing in advance of her daughter's plans to flee, had been forced to move seven times by North Korean officials as punishment for what her daughter had done. She said her mother was so afraid of being uprooted again that she had stopped going outside unless she absolutely had to. Both of these young women, like so many others I met, expressed profound guilt — imagine that, guilt — for having added to their families' already crushing hardships and for leaving without saying goodbye.

Almost all asked that I not write down their names for fear that speaking out would lead to even more reprisals by the regime against their loved ones. In Japan, I met with the mother and brother of one of the Japanese citizens abducted by North Korean agents. Megumi Yokota was just 13 years old when North Korean agents abducted her in Japan's Niigata prefecture in 1977. Her mother told me that nearly 40 years later, not a day goes by when she does not feel the overwhelming pain of being separated from her daughter: a pain made worse by not knowing her daughter's fate.

As a mother myself, I cannot fathom the anguish of having my daughter taken away and not being able to find out what happened to her. It is every parent's worst nightmare, and it is a nightmare being lived daily by many families around the world. There are so many families in Japan and the Republic of Korea who have been forced to endure a similar nightmare as a result of the actions of the Democratic People's Republic: they wake up every day yearning to see a father or brother, a mother or daughter to whom they may not have spoken in years or even decades, and who, they worry, may be suffering terribly inside North Korea. Many fear they will never get to see them again. It is a pain that ripples across generations and is felt to this day.

Immediately after this meeting today, the United States will co-host an event on this issue, together with the Republic of Korea, Japan and the United Kingdom, in Conference Room 1, where we will have a chance to hear directly from two people who are living through this searing separation. I urge other Council members to come and hear them speak.

Some may look at the severity of the North Korea's oppression and the decades it has persisted and conclude that there is little we can do to change it. But that would be a mistake, for there is so much we can do. We can continue to shine a light on the abuses the regime commits, as we are doing here today. It is crucial that we keep holding meetings in the Security Council on the human rights situation in the North Korea every year for as long as this human rights crisis and its destabilizing effects persist.

We can continue to press for accountability for the perpetrators and architects of those abuses. This is what the United States did on 6 July, when we released a report identifying 15 North Korean officials and 8 entities as responsible for or associated with human rights abuses and censorship. Our message to those officials and to all mid-level officers, including prison camp managers and guards, interrogators and defector-chasers, is clear. We are methodically documenting their abuses, and their impunity will not last forever. When the days comes that they are publicly held accountable, we will be ready. In the meantime, we will continue to collect evidence of their abuses and add names to the growing list.

We can also seek sanctions for the individuals and entities responsible for such abuses, as the United States Department of the Treasury did in July by adding 11 senior officials and 5 entities to the list of nationals and blocked persons specially designated by the United States. I would like to read the names of those 11 individuals now. They are Kim Jong-un; Choe Pu Il, Minister of People's Security; Ri Song Chol, Councillor in the Ministry of People's Security; Kang Song Nam, Bureau Director in the Ministry of State Security; Cho Yo'n-chun, First Vice Director of the Organization and Guidance Department; Kim Kyong-Un, First Vice Director of the Organization and Guidance Department; Kim Ki Nam, Director of the Propaganda and Agitation Department; Ri Jae-il, First Vice Director of the Propaganda and Agitation Department; Choe Chang Pang, Bureau Director in the Ministry of People's Security; Cho Il U of the Reconnaissance General Bureau; and O Chong Kuk of the Reconnaissance General Bureau.

The Security Council also has important role to play, not just by continuing to hold meetings like this one on the Democratic People's Republic of Korea, but also by considering the recommendation by the commission of inquiry that the situation in North Korea be referred to the International Criminal Court. We must also consider other appropriate options on accountability, as Member States urged the Council to do just a few weeks ago in a draft resolution on human rights in North Korea that was adopted by consensus in the Third Committee (A/C.3/71/L.23).

There is a great deal that individual Member States can do as well, including providing support for the United Nations Human Rights Office in Seoul, which is methodically gathering evidence of North Korea's human rights violations. Member States can also meet their obligations under the Security Council sanctions resolution, particularly the new restrictions on coal exports, given what we know about the harrowing conditions in the Government-run mines. Member States can stop repatriating the people who managed to escape North Korea, knowing the likelihood that those who are returned will be sent to the gulags.

These are steps that we can take; they are within our control. We could save so many lives simply by not repatriating people who make it across an international border, believing that they are finally going to be free of those harrowing conditions. The people of North Korea have so little power to change the nightmarish conditions in which they live, and they risk so much by trying. Do they speak up about not having enough to eat? They go to the prison camps. Do they try to organize neighbours or co-workers to change the dreadful living or labour conditions? They go to the prison camps. Do they flee for a better life and get caught? They go to the prison camps.

Yet we, who risk so little by speaking up on behalf of people who suffer so much, have so many ways in which we can help change the situation in the Democratic People's Republic of Korea. Do we not owe it to those people trapped in North Korea to at least try? Would we not want others to do the same if we were in their place?

Mr. Rosselli (Uruguay) (*spoke in Spanish*): I would like to thank the Deputy Secretary-General,

Jan Eliasson, and the Assistant Secretary-General for Human Rights, Andrew Gilmour, for their briefings.

Uruguay does not recognize limitations as to where human rights should be discussed. The protection of human rights is one of the pillars of the United Nations and a cross-cutting issue within the entire system. Clearly, there is a close link between human rights violations and the rise of conflict and how those conflicts turn into threats to international peace and security.

Uruguay, as a country that defends, promotes and protects human rights and fundamental freedoms, would like to express its dismay at the human rights situation in the Democratic People's Republic of Korea, especially with regard to the violations of the rights to life, the freedom of expression, privacy, access to information, the freedom of peaceful assembly and association and the freedom of movement — and the list goes on. The human rights situation in the Democratic People's Republic of Korea is of particular importance in the current context of heightened tensions at the regional level, which not only endanger stability on the Korean peninsula, but also threaten international peace and security. Uruguay is aware that the situation is not unique to the Democratic People's Republic of Korea, as there are many other countries where Governments constantly violate the human rights of their people; but those countries are not necessarily on the agenda of the Council nor are there General Assembly resolutions regarding the abuses in those ccuntries.

We acknowledge that there have been the faintest positive signs that the Government of the Democratic People's Republic of Korea has showed itself to be receptive to certain activities carried out by specialized agencies in the promotion, protection and monitoring of human rights, such as the cooperation of the North Korean Government with the Office of the High Commissioner for Human Rights.

This year, the Third Committee considered and commented on the report of the Special Rapporteur on the human rights situation in the Democratic People's Republic of Korea (A/71/402). In so doing, the international community sent a clear message of condemnation of the situation. Uruguay sees no other option other than that of the path of dialogue, negotiation and political commitment. Once more, we insist on the resumption of the Six-Party Talks, the forum that, in our view, is most conducive to finding a solution to the problems on the Korean peninsula.

Mrs. Schwalger (New Zealand): New Zealand shares the concerns outlined by Deputy Secretary-General Eliasson and Assistant Secretary-General Gilmour, as well as those expressed by other Council members, about the severity and systematic nature of human rights violations in the Democratic People's Republic of Korea. Sadly, we have seen no discernible improvement since the Council last discussed this agenda item. Some of the most serious human rights violations of our time, including murder, enslavement, torture, imprisonment, rape, forced abortion, other sexual violence and starvation continue to be reported. It is no surprise that the Democratic People's Republic of Korea regime works so hard to restrict an independent assessment of the situation.

The Democratic People's Republic of Korea leadership maintains tight control over its population — control grounded in terror instilled by egregious and widespread human rights violations. It is a regime that executes its citizens, without due process, for acts as minor as watching or distributing foreign media. Torture and ill-treatment at detention facilities, including in its extensive prison camp system, are routine, as we have heard this morning. Harsh restrictions remain on the freedom of movement by ordinary North Koreans.

The continuation of such gross violations of human rights demonstrates that the Democratic People's Republic of Korea authorities do not feel bound by the rules of the international system. Pyongyang's weapons-of-mass-destruction programme exemplifies that attitude. We must not stand by and let that rejection of internationally accepted norms, under the guise of this being a so-called internal matter, go uncontested. To do so would be to fail the people of North Korea. To do so would be to fail the Democratic People's Republic of Korea's neighbours, which are faced with a heightened security threat resulting from Pyongyang's reckless development of weapons of mass destruction — a programme advanced on the back of the suffering of its people. And, to do so would be to fail ourselves, given the regime's continued defiance of the Council's resolutions.

As the Council stressed in resolution 2321 (2016), there is an urgent need for the Democratic People's Republic of Korea to respect and ensure the inherent

dignity of people within its territory. As noted by others this morning, Democratic People's Republic of Korea nationals are being sent abroad by their authorities to work under conditions that reportedly amount to forced labour. That is one of the ways in which the Democratic People's Republic of Korea is able to subvert United Nations sanctions and fund its weapons-of-mass-destruction programme. New Zealand finds the diversion of domestic funds towards weapons of mass destruction, and away from desperately needed humanitarian support, simply deplorable.

Despite the time that has passed since the release of the commission of inquiry's report (A/HRC/25/63), the urgency of its recommendations has not diminished. We must ensure that our picture of the situation in the Democratic People's Republic of Korea remains up-to-date. In that regard, we welcome the important work being undertaken by the Office of the United Nations High Commissioner for Human Rights in Seoul. We also welcome the appointment of a new Special Rapporteur on the human rights situation, Tomás Quintana, who recently completed his first visit to the region. The Special Rapporteur has emphasized the importance of efforts to both engage the Democratic People's Republic of Korea and pursue accountability. Those are not mutually exclusive goals.

Engagement is important in order to ensure that we improve the human rights situation in the Democratic People's Republic of Korea. In that regard, there have been some small positive developments, such as improvements in the rights of persons with disabilities. We should also be prepared to support practical options for pursuing accountability against those within the Democratic People's Republic of Korea system who bear primary responsibility for the worst crimes that have been committed.

New Zealand reiterates its call on the Democratic People's Republic of Korea to take immediate steps to bring an end to all human rights violations and to meaningfully cooperate with the Special Rapporteur and other international human rights mechanisms. We urge the Democratic People's Republic of Korea to review its policies, remove constraints on the United Nations and other international organizations, and ensure that meaningful assistance is provided that can make a practical difference to the lives of its citizens.

New Zealand also encourages the international community, particularly those States with an established relationship with the Democratic People's Republic of Korea, to engage the Pyongyang authorities on human rights issues where possible, and to encourage its cooperation and participation in human rights dialogue. We must make our concerns known and be clear that we expect tangible improvement.

Finally, we call on the Council to remain seized of the human rights situation in the Democratic People's Republic of Korea, given its clear link to Pyongyang's weapons-of-mass-destruction programme and the continued absence of meaningful engagement or any discernible progress by the authorities in addressing the Council's concerns.

Mrs. Adnin (Malaysia): I wish to thank the Deputy Secretary-General, Mr. Jan Eliasson, and the Assistant Secretary-General for Human Rights, Mr. Andrew Gilmour, for their briefings today.

At the outset, I wish to reiterate my delegation's principled position that issues of concern should be addressed through constructive engagement, dialogue and consultations. We believe that as a responsible member of the international community, and particularly as a member of the Security Council, we have an obligation not to shy away from discussions on issues that may be considered delicate or complex. It is with that consideration that we have supported the proposal for the Council to have a discussion on the matter before us.

We note the constructive engagement undertaken by the Democratic People's Republic of Korea with the various human rights mechanisms. That has been evidenced by its continued participation in the universal periodic review and acceptance of a number of recommendations made therein. We believe that full implementation of the accepted recommendations would contribute positively to the enjoyment of human rights and socioeconomic development of the people of the Democratic People's Republic, as highlighted by Assistant Secretary-General Gilmour. We are also encouraged by its submission of its combined second, third and fourth reports to the Committee on the Elimination of All Forms of Discrimination against Women and its combined fifth and sixth reports, earlier this year, to the Committee on the Rights of the Child.

The United Nations country team has also worked with the Government of the Democratic People's Republic of Korea to complete a strategic framework for the 2017-2021 period. We understand that the

five programming principles — a human rights-based approach, gender equality, environmental sustainability, results-based management and capacity development — have been integrated into the framework and tailored to the country context. We nevertheless encourage the Democratic People's Republic of Korea to consider accommodating the requests of the commission of inquiry and the Special Rapporteur to visit the country. These visits, we believe, would allow them to have a proper assessment of the human rights situation in the country. The visits would also further ensure the credibility of the outcome reports and allay fears of politicization and dispel allegations of partiality. We further believe that such engagement would provide an avenue for the Democratic People's Republic of Korea to convey its view and position on the human rights situation in the country, including on the issue of obstruction. Malaysia further encourages the Government of the Democratic People's Republic of Korea to also engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and his Office with a view to improving the human rights situation in the country.

The year 2016 has seen the Democratic People's Republic of Korea take the dangerous and provocative steps of undertaking nuclear tests and an unprecedented number of ballistic missile launches. Those are not steps that contribute to confidence-building in the region, nor are they constructive towards engagement and dialogue. Malaysia voted in favour of resolution 2321 (2016), which the Council recently adopted. Malaysia's vote was an unequivocal reaffirmation of its belief that the illicit development and procurement of weapons of mass destruction and related technologies and capabilities by any State is unacceptable and cannot be tolerated by the international community. In that regard, Malaysia encourages the Democratic People's Republic of Korea to step up cooperation and engagement with the Council, other partners and stakeholders, including the Committee established pursuant to resolution 1718 (2006), with a view to addressing non-proliferation concerns.

Malaysia remains convinced that the interests of the international community vis-à-vis international peace and security would be best served by the Democratic People's Republic of Korea's immediate return to the negotiating table. Malaysia calls on the Democratic People's Republic to recommit itself to peaceful dialogue and negotiations under the framework of the Six-Party Talks. Malaysia believes that all efforts should aim at reaffirming the commitment to maintaining regional peace and security and establishing a peaceful environment in the Korean peninsula. We also continue to emphasize the importance for both the Republic of Korea and the Democratic People's Republic of Korea to honour the terms of the 25 August 2015 agreement in order to continue making progress in inter-Korean relations, as well as to maintain peace and security in the Korean peninsula.

Malaysia is further of the view that the ASEAN Regional Forum, premised on confidence-building measures, preventive diplomacy and peaceful resolution of conflict, remains available as a possible mechanism for concerned and interested parties to constructively engage with the Democratic People's Republic of Korea at the intergovernmental level on the situation in the Korean peninsula.

My delegation wishes to conclude by reiterating Malaysia's readiness to engage constructively with all Council members, the United Nations, other partners and stakeholders, as well as with the Democratic People's Republic of Korea, on this issue.

Mr. Ciss (Senegal) (*spoke in French*): At the outset, let me too thank Deputy Secretary-General, Mr. Jan Eliasson, and the Assistant Secretary-General for Human Rights, Mr. Andrew Gilmour, for their briefings.

The delegation of Senegal believes that it is incumbent upon each State to be responsible for the protection and promotion of the rights of its citizens, thereby contributing to strengthening international peace and security. Senegal is convinced that the exercise of human rights is essential to human dignity, and that is why my country has made the protection and promotion of fundamental rights and freedoms for individuals a cardinal principle — with respect, of course, for the diversity of our human societies. We are of the view that it is necessary to create conditions for strengthened international cooperation in the area of human rights, emphasizing their universal, indivisible and interdependent nature.

Therefore, as an independent and sovereign State, we believe that it is important that we engage with solidarity in all issues, including those related to human rights, on the basis of mutual respect and through constructive dialogue. It is in that spirit that we have

implemented appropriate mechanisms to promote and protect human rights throughout the world, which is an ongoing challenge that constitutes one of the pillars of our Organization. Indeed, the mechanisms that have been set up by the United Nations — especially the Human Rights Council, the Universal Periodic Review and the bodies created under international instruments — while not perfect, are pertinent and complementary tools for dealing with human rights issues, as can be seen in the relevant reports of the Secretary-General.

Having said that, we take special note of the Human Rights Council's report on the human rights situation in the Democratic People's Republic of Korea. We encourage that country to cooperate more with the relevant mechanisms for the promotion of human rights, especially the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and the commission of inquriy on human rights in the Democratic People's Republic of Korea, established by the Human Rights Council in its resolution 22/13.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as the representative of Spain.

I, too, wish to thank the Deputy Secretary-General, Mr. Jan Eliasson, and the Assistant Secretary-General, Mr. Andrew Gilmour.

Any gross and systematic violation of human rights is a threat to international peace and security. Regrettably, this type of situation has been occurring too often in too many places in the world, and the Democratic People's Republic of Korea is no exception. That is why Spain continues to support the ongoing examination of this matter by the Security Council. I will not dwell on the details, but naturally I am surprised that a Government that is capable of modernizing its arsenal at any cost should allow its people to suffer continuous famines. I am even more surprised that the State itself, which is responsible for the security and protection of its citizens, is the principal cause of their desperation.

The citizens of North Korea want to flee their country. They seek liberty, dignity and respect and are willing to risk their own lives to that end. They are even prepared to risk summary execution. Some 80 per cent of those who manage to get out are women, and they are very often captured by human trafficking networks that force them into prostitution or to marry abroad.

It is important to recall that progress has been made, such as the issuance of reports on the implementation of As we have seen in the report of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. But much more needs to be done.

The Security Council has not remained indifferent to the suffering of the people of the Democratic People's Republic of Korea. In resolution 2321 (2016), which was adopted just a few weeks ago and is the latest to impose sanctions against the Democratic People's Republic of Korea, is a good example of that. But we must pursue our work and remain aware that condemning human rights violations is undoubtedly necessary but not sufficient. Pressure must also be accompanied by dialogue. In that spirit, I wish to highlight four elements that the Spanish Mission considered to be key.

First, the Committee pursuant to resolution 1718 (2006), which has played a significant role as a pressuring mechanism, has also been able to adopt a banking channel to fund United Nations agencies operating in that country.

Secondly, we must provide necessary support to United Nations agencies working in the country. In that regard, I highlight the work that the Office of the High Commissioner for Human Rights, which was opened last year in Seoul, must undertake and is undertaking.

Thirdly, we must offer the necessary support to civil society.

Fourthly, there is a need to send a very clear message against impunity, but that cannot happen if there is only one participant in the dialogue. The first step must therefore be to enable to the long-blocked visit of the Special Rapporteur and other human rights mechanisms to the country.

Moreover, we must insist that the Democratic People's Republic of Korea shed light on the hundreds of abductions, most of them of Japanese citizens, whose whereabouts have not yet been identified. We can achieve peace and stability in the region only when the Pyongyang regime shoulders its responsibility for that violation of the sovereignty of neighbouring States.

The situation in the Democratic People's Republic of Korea is extremely complex and requires

a multidimensional approach. It is our hope that this meeting will serve to ensure that the Democratic People's Republic of Korea responds to the cocnerns that have been expressed today and finally ends its internal human rights violations.

I now resume my functions as President of the Security Council.

On behalf of Deputy Secretary-General Jan Eliasson, I wish to offer his thanks to Council members for their work and his apologies for having had to leave the Chamber. The Deputy Secretary-General is performing his duties as Acting Secretary-General today.

I now give the floor to the representative of the Republic of Korea.

Mr. Cho Tae-yul (Republic of Korea): I commend your leadership, Sir, in convening today's meeting on the human rights situation in the Democratic People's Republic of Korea. My delegation is grateful to be a part of this important meeting. I also thank Deputy Secretary-General Jan Eliasson and Assistant Secretary-General Andrew Gilmour for their enlightening briefings, which reminded us once again of the reason why we must take up the issue of human rights in the Democratic People's Republic of Korea in this chamber.

On a more personal note, it is with a heavy heart that I make my first statement to the Security Council as the new Permanent Representative of the Republic of Korea on an issue that has such serious implications for the future of our divided nation.

Since 2014, when the commission of inquiry first shed light on the dire and unprecedented human rights situation in the Democratic People's Republic of Korea, the international community — including the Council — has moved swiftly to seek its early resolution. Concrete steps have also been taken to save North Koreans from the pain and horror that plague their lives each and every day. Those steps, to name just a few, include the establishment of the Office of the High Commissioner for Human Rights in Seoul last year and the group of independent experts on accountability this year.

Regrettably, however, the Democratic People's Republic of Korea has continued to turn a blind eye to international calls for improving its human rights record. Countless instances of torture, execution and arbitrary detention are still being committed, and people disappear overnight into political prison camps devoid of any semblance of judicial due process. Evidence of systematic and widespread human rights violations is also found among the 60,000 or so North Korean workers abroad, who are suffering from what amounts to forced labour. Even as I speak, a large number of North Koreans are risking their lives to cross the border in search of freedom and happiness. The people of in North Korea are destined to live miserable lives from the very moment of their birth, trapped in the State machinery that systematically tramples on their basic human rights.

As was rightly pointed out in draft resolution A/C.3/71/L.23, adopted by the Third Committee of the General Assembly last month, the gravity of the problem lies in the fact that such systematic, widespread, and gross human rights violations are committed by institutions under the effective control of its leadership. The leadership in Pyongyang shamelessly employs a reign of terror merely for the sake of the survival of his regime.

Moreover, he has poured his country's already scarce resources into developing nuclear weapons and missiles,w hile completely ignoring the impoverished livelihoods of his people. In fact, this year alone the Democratic People's Republic of Korea has squandered an estimated $200 million on two nuclear tests and 24 missile launches. In September, the Democratic People's Republic of Korea went so far as to conduct its fifth nuclear test near a region severely hit by the worst flooding in decades, which had taken took place only a couple of days before. How can we comprehend such brazen and shameless behaviour by a regime that is begging for international aid for flood-damage recovery, yet spending a far greater amount of money on the development of weapons of mass destruction?

The Democratic People's Republic of Korea's reckless pursuit of developing nuclear weapons is not only a serious threat to international peace and security, but also a grave human rights problem that threatens the very survival of its people,who are already at risk. That is the reason why the human rights situation in the Democratic People's Republic of Korea stands apart from those in other places of the world and why the Security Council has an important role to play in seeking its resolution.

The history of over a half-century of division on the Korean peninsula is also the history of the agony

and misery of 130,000 separated families in both parts of the divide. Seven decades after the division of our nation, we are witnessing yet another sad chapter of family separation being written in the history of the Korean peninsula. A case in point is the heart-wrenching story of the 30,000 North Korean refugees who have now settled in the South. As the price for their newly found freedom in the South, they are living a life of agony, longing day and night for reunion with the beloved ones they left behind in the North.

The North Korean leader may have a firm belief that it is only nuclear weapons and missiles that can ensure the survival of his regime, but that is a delusion. No regime can sustain itself as long as there are those at home who are ready to risk their lives to escape the reign of terror. Concrete and sincere steps must be taken without further delay so that those people — wherever they may reside — can carry on a normal, dignified life. Until the day comes when we see such a change in the Democratic People's Republic of Korea's behaviour, we must continue to exert pressure on that country. If we stop working together on this united front, it would be tantamount to abetting the most systematic, widespread and gross human rights violations on the globe. As William Gladstone once said, "justice delayed is justice denied."

I cannot recall without pain the story that I heard from a North Korean woman just before I left Seoul last month. A teenage cellmate of hers back in the prison camp in North Korea was crushed to death as others in the cell jumped on her to catch and eat a rat that had fallen into her bowl of soup. I was stunned and rendered speechless as that woman, with tears in her eyes and anger in her face, recounted this haunting story. And yet that is just one of too many.

The North Korean leader must realize before it is too late that time is not on his side. He must listen attentively to the solemn voice of reason resonating in the Chamber today, and that is that darkness can never overcome the light.

The meeting rose at noon.

United Nations S/PV.7831

Security Council

Seventy-first year

Provisional

7831 st meeting

Monday, 12 December 2016, 3 p.m.

New York

President:	Mr. Catalá/Mr. Oyarzun Marchesi	(Spain)
Members:	Angola	Mr. Lucas
	China	Mr. Wu Haitao
	Egypt	Mr. Aboulatta
	France	Mr. Delattre
	Japan	Mr. Bessho
	Malaysia	Mrs. Adnin
	New Zealand	Mr. Van Bohemen
	Russian Federation	Mr. Zagaynov
	Senegal	Mr. Barro
	Ukraine	Mr. Vitrenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Ms. Sison
	Uruguay	Mr. Rosselli
	Venezuela (Bolivarian Republic of)	Mr. Ramírez Carreño

Agenda

Threats to international peace and security caused by terrorist acts

International Judicial Cooperation in countering terrorism

Letter dated 2 December 2016 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General (S/2016/1030)

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security caused by terrorist acts

International Judicial Cooperation in countering terrorism

Letter dated 2 December 2016 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General (S/2016/1030)

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Albania, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Estonia, Finland, Germany, Greece, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Kazakhstan, Kenya, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Morocco, the Netherlands, Norway, Palau, Poland, Portugal, Serbia, Slovakia, Sweden, the former Yugoslav Republic of Macedonia, Tunisia and Turkey to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Mr. Jean-Paul Laborde, Executive Director of the Counter-Terrorism Executive Directorate; Ms. Dorcas Oduor, Deputy Director of Public Prosecutions in Kenya; and Mr. Robert Strang, Executive Secretary of the International Institute for Justice and the Rule of Law.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to to document S/2016/1030, which contains a letter dated 2 December 2016 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General, transmitting a concept paper on the item under consideration.

Members of the Council have before them document S/2016/1047, which contains the text of a draft resolution submitted by Albania, Angola, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Montenegro, Morocco, the Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Senegal, Serbia, Slovakia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Angola, China, Egypt, France, Japan, Malaysia, New Zealand, Russian Federation, Senegal, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of)

The President (*spoke in Spanish*): The draft resolution has received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2322 (2016).

I now give the floor to Mr. Laborde.

Mr. Laborde (*spoke in French*): Terrorism is a global threat that requires a comprehensive response. In that context, the first task for the international community is to not tolerate impunity in any way and to bring terrorists to justice whenever possible so that honour and dignity can be restored to the victims. The successful implementation of that line of action must rely on the relevant Security Council resolutions and the 19 universal counter-terrorism instruments.

That is why I welcome the Council's adoption today of resolution 2322 (2016). In the framework of its mandate and with regard to the political guidelines provided by the Counter-Terrorism Committee, the Executive Directorate is absolutely determined to provide the Council, especially through the Committee and as directed by it, all the necessary support for the implementation of the resolution.

It must be said that international commitment is essential, for we continue to face a complex, decentralized and dynamic threat that is not limited to any region. Our policies and methods must go beyond traditional security measures and employ a broader perspective

based on enhanced international cooperation — not only among Member States but also with specialized organizations and regional organizations.

Of course, to help States bring terrorists to justice and to maintain international cooperation on criminal matters and on the financing of terrorism, the Counter-Terrorism Committee Executive Directorate is already collaborating closely with the International Association of Prosecutors, the Organization of Islamic Cooperation, the International Organization of La Francophonie, the Organization for Security and Cooperation in Europe, the League of Arab States, the United Nations Office on Drugs and Crime (UNODC), to mention but a few of those organizations. I have certainly forgotten some. Moreover, as we clearly noted at the 1 December special meeting of the Counter-Terrorism Committee, the Committee and its Executive Directorate have established links of cooperation with some of the largest players in the private sector, as well as with key representative of civil society, in the context of preventing and fighting the exploitation by terrorists of information and communications technologies.

That cooperation and those agreements on mutual legal assistance will further strengthen the capacity of central authorities to support prosecutors and investigators in their efforts to obtain digital data in a timely and effective manner. Thanks to those partnerships and the projects we develop together, we are contributing in a very practical way to the implementation of the standards developed by the Security Council that enable international cooperation on criminal matters to yield results. Rest assured, Mr. President, that for the resolution on international cooperation on criminal matters, which follows the original resolution on the matter — resolution 1373 (2001) — we, along with the members of the Council, with the Counter-Terrorism Committee and with the organizations I mentioned, will have better communication and cooperation with a view to bolstering efforts in that sphere.

The most striking example is Kenya — a case I will leave to Ms. Dorcas Oduor to address more fully — where we have proposed collaborative solutions between police and prosecutors, and where UNODC, through its work, has truly supported the country in the fight against terrorism and, above all, in bringing terrorists to justice. We have also supported the organization by partnering on workshops of the same type, and we will continue to do so in South and South-East Asia and in Nigeria to promote that type of cooperation in criminal matters. In sum, we will continue the work we are doing in the Counter-Terrorism Committee in everything related to joint investigations.

In that connection, I should mention an existing regional mechanism, which represents a good practice, and that is the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism. It stipulates the establishment of a network of contact points for prosecutors that operates around the clock, seven days a week, but also for police, with the police aspect being piloted by INTERPOL, which is working closely with us on that project. The Executive Directorate of the Counter-Terrorism Committee has contributed to that initiative from the start, by supporting and encouraging the Council of Europe up to the moment when the representative of the Council of Europe, at the 1 December special meeting of the Counter-Terrorism Committee, announced that the network was operational. We will continue that work with other organizations, on the basis of the Security Council resolution. We call on regional organizations to follow that model by making them aware that we are ready to provide any necessary advice, and now with the support of resolution 2322 (2016).

Another good practice is the participation of many regional or specialized organizations in the independent assessment missions carried out by the Executive Directorate on behalf of the Counter-Terrorism Committee, particularly INTERPOL and UNODC in the assessment visits. It goes without saying that Executive Directorate is ready to support INTERPOL in the implementation of its new counter-terrorism strategy, recently adopted and implemented, and to aid Member States, specialized organizations and regional organizations to enhance international cooperation among intelligence services and police services and, indeed, among the various services in the criminal justice system. As you have so aptly pointed out today, Mr. President, justice must be present. It must be in the middle of that international cooperation and must be one of the major players in it.

I welcome Spain's initiative today to advance this aspect of the fight against terrorism, one which is too often neglected but is the only way to effectively respond to the needs of the victims and to expedite legal proceedings, all while respecting the rights of the individual. In that regard, the Spanish Government has

spared no time or effort in enabling us to take explicit measures in that area.

Thanks to your action, Mr. President, and that of the Spanish Ministry for Foreign Affairs, we have been able to establish these procedures based on the principles of Madrid, for which your Government should be warmly thanked. Faced with the terrorist organizations that act with agility, speed and flexibility by using financial means, the Internet and social media, we can and must meet this challenge.

As Albert Camus said in *The Rebel*, true generosity towards the future consists in giving our all to the present.

The President (*spoke in Spanish*): I thank Mr. Laborde for his briefing.

I now give the floor to Ms. Oduor.

Ms. Oduor: First, I would like to congratulate Spain on assuming the presidency of the Security Council for the month of December, and also to commend you, Mr. President, for the manner in which you have conducted its affairs. I thank you as well for inviting me to brief the Council on this very important subject and for providing a detailed concept note (S/2016/1030, annex) to guide today's timely meeting.

Today's technological advances have made the world a single, vast global village. Crime is no longer a national phenomenon, but has taken on a transnational dimension. The emergence and expansion of transnational crime confronts all justice systems with some new challenges. Criminal offenders, including terrorists, are mobile and often seek to evade detection, arrest and punishment by operating across international borders. They avoid getting caught by taking advantage of those borders and playing on the frequent reluctance of law enforcement authorities to engage in complicated and expensive transnational investigations and prosecutions. The weak capacity of any one country to address effectively some of those new threats and challenges translates itself into an overall weakness in the entire international regime of criminal justice cooperation.

Article 3 of the United Nations Convention against Transnational Organized Crime gives a clear definition of what constitutes a transnational organized crime. Although the 19 universal conventions and protocols relating to terrorism do not contain such a definition regarding terrorism, nevertheless, they apply only to transnational terrorism. Because of its transnational nature, like all transnational organized crime terrorism poses serious problems for national justice systems. It is the national courts that try perpetrators since there is no international court that is competent to try terrorism cases.

I grant that it is difficult for criminal justice officers to investigate or institute criminal proceedings against persons suspected of terrorism when such persons are outside their territory or where key evidence, witnesses, victims or the proceeds from the crime are located outside the country's jurisdiction or where the legal and judicial systems, with which they must cooperate are different from those of their own country. Practitioners of criminal justice cannot realistically work within the confines of national borders. They have no choice but to cooperate with their foreign counterparts in order to bring the perpetrators of such offences to justice.

Terrorism and transnational organized crime require a coordinated international response that calls for more efficient and faster cooperation between Member States. Current multilateral, bilateral and national measures against transnational organized crime, including terrorism are rapidly evolving to keep pace with the new technologies. The evolution over the past decade or so reflects the determination of Member States to work more closely with each other to face the growing threat of terrorism, organized crime and corruption.

Allow me to apprise the Council of Kenya's efforts to promote international judicial cooperation against terrorism and what we believe should be the priorities of the international community moving forward. The terrorist threat in Kenya emanates mainly from the Al-Shabaab terrorist group in Somalia, an affiliate of the Al-Qaida terrorist network. The threat manifests mainly through continued radicalization and violent extremism within its borders that has resulted in an inflow and outflow of foreign terrorist fighters and terrorist attacks, including the 1998 United States embassy bombing, the Paradise Hotel bombing of 2002, the Westgate Mall attack of 2013 and the Garissa University attack of 2015, alongside scores of other attacks over the years.

Kenya responded to the threat, among other initiatives, by adapting various international statutes into domestic laws, including the 2012 Prevention of Terrorism Act. It also sought deeper counter-

terrorism cooperation with other partner States, particularly on the investigation and prosecution of terrorism cases. Kenyan law enforcement agencies have worked with regional organizations including the Intergovernmental Authority on Development, the East African Community, the African Union and the broader international community, including the United Nations, the United States and other bilateral partners, to increase its counter-terrorism capacity and secure land, sea, and air borders.

Since 2012, Kenya's primary contribution to regional counter-terrorism efforts has been its significant troop contribution to the African Union Military Observer Mission in Somalia (AMISOM). It has also hosted numerous trainings involving law enforcement professionals from neighbouring countries to build counter-terrorism capacities and to increase regional cooperation.

Following the enactment of a new Constitution in 2010, an independent office of Director of Public Prosecution was created within which is a specialized division on international cooperation. Its target is to give effect to all requests within seven days. Similarly, in 2014, security laws were amended to strengthen the country's legislative framework against terrorism that resulted in an enhanced legislative framework, inter-agency coordination and cooperation against terrorism particularly between the law enforcement and justice sectors.

As a front-line State against international terrorism over the years, Kenya has learnt several lessons regarding the evolving threat. I will mention but a few. First, although enforcement of the law is the responsibility of the sovereign State, mainly to bring perpetrators to justice, a coordinated international response and close regional cooperation are vital. That is because more rapid success in fighting terrorism is achieved when Member States exhibit international cooperation, good faith and honesty. AMISOM's continued success in Somalia against Al-Shabaab is clear testimony of that as is the Lake Chad Basin Initiative against Boko Haram in West Africa.

Secondly, terrorist groups move rapidly across national lines and normally find sanctuaries in countries with the weakest links. That is paradoxical since no country can seal its own borders, or rely on self-defence alone, and participate in today's economy effectively. To resolve the paradox, regional and international judicial cooperation against terrorism using well defined standards are vital. International conventions and initiatives such as the United Nations Global Counter-Terrorism Strategy and the Secretary General's Plan of Action to prevent violent extremism provide parameters to set such standards through which Member States can adapt their national strategies based on their own unique national circumstances.

Thirdly, terrorists and other criminals have shown the ability to adapt to law enforcement efforts to apprehend them. They have devised the means to travel freely throughout the world, under false identities using stolen and fraudulent travel documents, raise finances through crimes such as drug trafficking, human trafficking, ivory smuggling and corruption as a key enabler. More than ever before, such trends call for strong national coordination and sustained international cooperation to manage and eradicate.

Fourthly, ordinary citizens in many societies like Kenya's are demanding much better service from law enforcement agencies through more prosecutions and convictions. Raising the awareness of citizens and their involvement in the prevention of terrorism and violent extremist ideologies is crucial in winning the war against terrorism while upholding human rights.

International judicial cooperation against terrorism is hampered by many challenges, such as the diversity of law enforcement structures, the absence of channels for the exchange of information, divergent approaches and priorities among nations, language, human rights and privacy issues, issues regarding the criminal and criminal procedure code to ensure that the appropriate criminal acts are extraditable, ensuring that sensitive information received via international cooperation is kept confidential and the varied procedural requirements of each jurisdiction.

In conclusion, to achieve greater international judicial cooperation against terrorism, we need to further encourage the convergence and compatibility of national legislations, to introduce complex procedural reforms, and generally to develop a much greater investigation and prosecution capacity at the national level and strengthen the capacity to cooperate at the international level. We need to build capacity for international cooperation of Member States within their own criminal justice system. We need to come up with more instruments that set standards for best practices and cooperation. We need to institutionalize

and expand cooperation, the sharing of intelligence and data, training and technology and organization that can be shared without compromising national capabilities. We need to encourage and deepen existing informal cooperation and other arrangements among law enforcement agencies worldwide, including through the Interpol, financial intelligence units and other regional networks, which is crucial to achieving and sustaining formal cooperation.

Finally, it would be remiss of me if I did not mention the important role played by the United Nations Office on Drugs and Crime and the Counter-Terrorism Department in enhancing capacity in Kenya and in the region. Because of the them, we have been exposed and are able to ensure much better cooperation than before. Terrorism is a challenge that we all need to tackle in solidarity. No country can do it alone.

The President (*spoke in Spanish*): I thank Ms. Oduor for her briefing.

I now give the floor to Mr. Strang.

Mr. Strang: I thank the you, Mr. President, for giving me the opportunity to brief the Security Council on the important issue of international judicial cooperation in terrorism cases in connection with resolution 2322 (2016).

Terrorism cases are almost inevitably transnational in nature, and therefore efforts to bring these individuals to justice within a civilian rule of law system require the sharing of evidence across jurisdictions. That is particularly true for those cases involving the phenomenon of foreign terrorist fighters, whether those individuals are travelling to conflict zones or returning to their own country or to a third country, where there will inevitably be evidence with third countries, including evidence related to their travel, evidence related to the financing of their travel, evidence related to their communications and evidence related to their recruitment or efforts to recruit others through social media, and of course any victims can be of any nationality. These important pieces of evidence will be located with immigrations officials, travel agencies, airlines, banks or on computer servers, in different jurisdictions, where international cooperation between judicial authorities will be required to ensure that relevant evidence can be gathered in a form that can be used in court.

I would like to focus on today on a key part of making that system work — the role of central authorities, which is recognized in paragraph 13 of the resolution. Central authorities are the national entities responsible for any mutual legal assistance — the sharing of evidence and extradition of individuals. At the International Institute for Justice and the Rule of Law (IIJ) in Malta, we have gathered together representatives of central authorities from North, East and West Africa, the United States and the Middle East, Senegal and Egypt. We have had civil law, common law and other legal traditions present to discuss and agree on some basic principles and best practices. My briefing today reflects the collective wisdom of a variety of Member States, as well as my own experiences as a career prosecutor.

First, all members must establish a central authority. Various United Nations conventions expressly call upon each Member State to designate a central authority within their government to facilitate mutual legal assistance requests and extraditions. Sometimes States attempt to create multiple central authorities for different crimes — one for terrorism, one for corruption. We find that this is generally not a helpful approach. It is better for Member States to designate a single central authority in order to concentrate experience and resources, reduce bureaucracy and overlapping authority, and ensure visibi'ity and accountability for all incoming and outgoing requests. The United Nations Office on Drugs and Crime and others have encouraged the creation of regional criminal information-sharing platforms. These can be helpful, but it remains critical that Member States joining such platforms name their existing central authority as their point of contact to the platforms.

But it is not merely enough for a Member State to establish an office that is called a central authority. A central authority must be able to function effectively. Without proper resources and dedicated expert and administrative personnel, the work of a central authority will be ineffective. Central authorities should serve to ensure that requests for mutual legal assistance from domestic law enforcement and judicial authorities are sufficient and comply with the terms of applicable law, treaty or convention before such requests are transmitted. While staffing needs will vary, some Member States receive and send thousands of requests each year, and others far fewer, but there still must be experienced practitioners — emphasis on practitioners — assigned to the central authority.

Success in the area of judicial cooperation among Member States is naturally based on trust. That trust is built on experience and relationships. Member States must encourage their respective central authorities to have regular and direct discussions with their international counterparts. Moreover, direct communication among central authorities permits international counterparts to discuss the status of pending requests and to seek together to overcome challenges that may arise in satisfying such requests. That experience builds trust.

Investigations and prosecutions in terrorism cases in particular demand quick and confidential assistance between national authorities. It is therefore a good practice to send such draft requests to receiving central authorities to allow them to begin reviewing that request. Such direct communication can often be made effectively initially through e-mail or by telephone. The use of diplomatic channels, however, can sometimes delay effective investigations and the collection of evidence for use in court, and therefore it was the sense of the central authorities participating in our programme that it should be discouraged.

A central authority should maintain the confidentiality of mutual legal assistance and extradition requests in order to protect the integrity of terrorist investigations and prosecutions. Naturally, premature disclosure of a request may not only disrupt a terrorist investigation, including inadvertent notification to the targets of the investigation, who could hide or destroy evidence, move the proceeds of crime or flee the jurisdiction. Therefore, Member States must take steps to treat each request as a confidential matter. If the receiving central authority is required under its own domestic law to notify a party of a request, it should certainly notify the sending authority in advance to avoid compromising an ongoing investigation.

Member States should actively determine whether or not they need to adjust their domestic law to ensure that such notification is not legally required. Member States should also empower their respective central authorities to take action directly or lead the coordination of the execution of requests. A key component of an effective central authority is its ability to act with authority to ensure the prompt execution of requests. If a central authority lacks the competence to act, then efforts at effective cooperation will be quickly frustrated. Member States therefore should empower their central authorities to execute requests directly wherever possible or, when they lack legal authority to execute the request directly, central authorities should coordinate directly with the other competent entities within their Government to execute such requests.

A word about what central authorities should not do. They should not limit the police to police or other forms of cooperation between governmental law enforcement entities. Instead, they should support it. Some forms of assistance will inevitably require formal requests for mutual legal assistance in order for the information received to be used in court. Where formal mutual legal assistance is not required, central authorities should encourage, where possible, the use of other channels of law enforcement sharing, such as those mentioned by my colleague from Kenya, including police to police channels, INTERPOL and others. Central authorities should be able to discern when formal versus alternative channels to gather evidence or provide assistance are appropriate, and facilitate assistance through formal mutual legal channels without limiting assistance through other law enforcement channels. The goal is to provide evidence that can be used in a court of law.

Let me add a word about extradition. It is naturally a little more complicated than the sharing of evidence, as countries often have greater restrictions on extradition, particularly of their own citizens. Requests for extradition must comply with relevant treaties and domestic law, including requirements, such as dual criminality, which is not always necessarily present in the case of mutual legal assistance requests. But here, too, the strong central authority has a role to play. It should be able to ensure that extradition requests from domestic law enforcement and judicial authorities are sufficient and comply with applicable law, treaty or convention before such requests are transmitted.

Member States should also empower their central authorities to facilitate the judicial aspects of extradition requests. Extradition proceedings typically involve a judicial phase for which legal expertise is vital. Member States therefore should empower their central authorities to permit them to facilitate the judicial aspect of extradition. Otherwise, efforts at effective cooperation will be soon frustrated. Central authorities should therefore act as a node of coordination at a minimum within the Government to follow the status of pending extradition requests and regularly advise their international counterparts on developments.

We at the International Institute for Justice and the Rule of Law have developed 10 general principles in support of developing strong central authorities, but let me emphasize, in conclusion, what is and is not at stake. Effective international cooperation in terrorism and in other criminal matters does not threaten national sovereignty; it ensures that it continues to work. Therefore, I thank the Security Council for the opportunity to speak today.

The President (*spoke in Spanish*): I thank Mr. Strang for his briefing.

On behalf of all the members of the Security Council, I would like to thank our three briefers for their useful and informative reports.

I shall now make a statement in my capacity as the Minister of Justice of Spain.

Allow me to begin my statement by expressing, on behalf of the Government of Spain, our firm condemnation of the recent attacks taking place in Istanbul, Cairo, Mogadishu and Aden. These crimes elicit our most vigorous condemnation. We share the pain of the victims and extend our condolences to their families. Our best tribute to them, besides solidarity and accompaniment, is that of bringing the perpetrators to justice.

I thank Mr. Laborde, Ms. Oduor and Mr. Strang for their briefings. I am also grateful for the support of the 51 sponsors of resolution 2322 (2016). I welcome this resolution and I congratulate all the members of the Security Council on its unanimous adoption.

On Saturday, on the occasion of Human Rights Day, Secretary-General Ban Ki-moon recalled that those rights, together with peace and sustainable development, are the foundations of societies that are based on justice and the rule of law. Terrorism is one of the greatest threats to international peace and security. It is an affront to the fundamental pillars on which our societies are based and to fundamental human rights. Spain has long experience in this area because of what it has suffered owing to terrorism, both within its borders and in the international arena. Spanish society and its public authorities have also fought that scourge with efficiency and determination. It is unfortunately an experience that many of us have shared. For that reason, we have made combating terrorism one of the priorities during our term as a non-permanent member of the Security Council.

Spain's experience a testament to the fact that, with measures based on respect for the rule of law, a united society can confront and defeat terrorism. Such was the case in Spain. Faced with violent extremism and terrorism, comprehensive strategies are needed to address all aspects of this threat. In that context, international cooperation is an absolutely essential instrument for effectively combating all types of transnational organized crime. That is especially true in the context of today's terrorism, because, as we all know, it is a global threat. But we must also bear in mind that terrorism is constantly evolving. We therefore need to continuously fine-tune and update the tools available to us to counter terrorism.

On 17 December 2015, the Council adopted resolution 2253 (2015), which complements resolutions 1267 (1999), 2178 (2014) and 2199 (2015). The resolution that we have adopted today is a milestone, another tool in the succession of tools with which the international community is equipping itself to confront the terrorist threat. Globalization is such that States now have to face the challenge of developing a comprehensive response to a criminal scourge that transcends national borders, because the frontiers of justice no longer coincide with territorial borders. If we do not do so, we will facilitate impunity.

Resolution 2322 (2016) updates the tools of international judicial cooperation and extradition that are available to us as an international community and urges us to fully make use of them so as to apply them to transnational organized crime and crimes of terrorism. Similarly, all Member States are called upon to designate and appoint central authorities to deal with requests for cooperation. With that measure, we will create a network of focal points with resources, training and authority to take action on terrorism-related crimes. The resolution also calls upon States to consider the possibility of developing a system to deal electronically with requests for cooperation in order to carry out all such processes more quickly and effectively. It is important, in demonstrably urgent situations, to accept requests electronically without affecting the subsequent transmission of such information through traditional avenues, where appropriate.

Without a doubt, the new telecommunications and information technologies, the Internet and social networks provide outstanding forums for freedom, for trade, for the economy, for the expression and dissemination of ideas and for education. But is

certainly also true that terrorists have stepped up the use of technologies, which, without any doubt, entails an increasing challenge for our societies, the rule of law and public safety. We who are fighting them cannot be left behind. Consequently, we must devise legal frameworks to combat the abuse of the Internet by terrorist groups. We must also strengthen international cooperation to respond to the threat.

Today a great part of the evidence linked to terrorist attacks is obtained through the Internet and related technologies. Many crimes involving recruitment, organization and the preparation of attacks are carried out through those means. We must make progress in harmonizing the standards concerning the use of electronic evidence. We also need to ensure that the goal must be to ensure that evidence obtained in investigations carried out in one State can be used in another when we undertake cooperative judicial or extradition proceedings. The coordination, for instance, that we have afforded ourselves within the sphere of the European Union can serve as a example for the international community in general.

Along with international judicial cooperation, we also need to maintain and consolidate more effective law enforcement cooperation. Resolution 2322 (2016) calls for consolidating and strengthening an invaluable tool, that is, INTERPOL's I-24/7 network for secure communication among law enforcement agencies. All States must strengthen their capacity to participate in that network and ensure that the their response centres are provided with the proper training to combat terrorism and the phenomenon of foreign terrorist fighters. We also acknowledge the value of the I-24/7 network, which was established under the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism in May 2015.

We must also reiterate the importance of cooperation within the framework of the United Nations and its various bodies, whom this presidency thanks for their substantial contributions, including the Counter-Terrorism Committee, its Executive Directorate, the United Nations Office on Drugs and Crime, INTERPOL and the entire Counter-Terrorism Implementation Task Force.

The resolution also includes a paragraph specifically dedicated to the victims of terrorism. Their memory must always guide our work in combating terrorism, which is a fight aimed at achieving justice. States must come up with measures to ensure support to the victims in the wake of terrorist acts and throughout the entirety of criminal proceedings.

We therefore believe that it is very relevant and consistent with the law that, following its reaffirmation of our solidarity with the victims and their family members, the sixth preambular paragraph also recalls the importance of States redoubling their efforts to ensure that victims and family members are afforded the necessary assistance to overcome the subsequent loss and pain. Ensuring justice, which means preserving the memory of the victims of terrorism and ensuring that they receive the support they deserve, will always serve as a moral point of reference for the document that we have adopted today.

In conclusion, I strongly believe that we have taken a great step forward today towards modernizing the network of contacts among law enforcement focal points to make more agile our international judicial cooperation and our existing law enforcement mechanisms. We have strengthened existing instruments in the fight against terrorism and transnational organized crime, which is a critical objective that unites all of us. We all have reason to be satisfied. However, that satisfaction must not lead us to become complacent. The fight against terrorism and international crime is always an ongoing one. We must ensure that we are always taking steps forward and that we never lag behind those who do not wish to see peace and the peaceful coexistence between States. This resolution will undoubtedly help us in that endeavour.

I now resume my functions as President of the Council.

I shall now give the floor to the other members of the Council.

Mr. Rycroft (United Kingdom): I thank the briefers for their interesting updates.

I must begin by offering my sincerest condolences to Mr. Amr Abdellatif Aboulatta, the Permanent Representative of Egypt, following the horrific bombing in Cairo on 11 December. This attack is yet another reminder of the unrelenting cruelty and barbarity of the terrorist threat that we face. Today, we grieve with Egypt. However, in truth, terrorism threatens us all. Too many of us around this table have experienced the savagery of these groups in recent years. They are a clear threat to international peace and security, and

they are threat that we must tackle together. It is a fight that requires our fullest cooperation — cooperation between our police and security forces, between our diplomats and, as we are discussing this afternoon, between our judicial institutions.

Today we have shown our shared commitment to that cooperation through the welcome unanimous adoption of resolution 2322 (2016). I would like to pay tribute to you, Mr. President, and to your excellent delegation for your initiative in bringing this important issue before the Council because when terrorists act without any regard for international borders — without any regard for the laws of one country of the next — we must work together to ensure that justice crosses borders in response. My country saw this sadly when terror came to the streets of London in July 2005. One of the attempted bombers, Mr. Osman Hussain, fled the United Kingdom on 21 July 2005 after his bomb failed to detonate on the London Underground. Thanks to our cooperation with Italy, Mr. Hussain was arrested eight days later in Rome and extradited to the United Kingdom less than two months later. He is now serving a 40-year minimum sentence. Sadly, since 2005, there has been a steady increase in the need for similar cooperation.

With the rise of the phenomenon of foreign terrorist fighters, the complexity of such cases has grown. Let us take the case of a French national who traveled to Syria join Al-Nusra in January 2014. By May 2014, he had fled to the United Kingdom. He was arrested on 9 May 2014 and extradited to France just over a month later. His case follows an increasingly common pattern — a national of one country commiting a crime in another country before fleeing to a third country. Yet, there are countless returning fighters who have yet to face justice in the way that that French national has. Let us use all the tools at our disposal to ensure that there is no impunity for any of them. Those tools should include even more cooperation on extraditions, even greater mutual legal assistance and more engagement with INTERPOL. To underpin such efforts, we face new challenges gathering the evidence needed for the extradition, arrest and prosecution of terrorist suspects.

The Internet is now a front line in the battle against terrorism. Twitter, Facebook and other social media channels are sadly hijacked as a recruiting ground for extremists. In turn, we must also use those networks to find the evidence needed to stop their hateful activities. That requires closer cooperation with tech companies and greater, faster information-sharing between countries. We should not underestimate the complexity of such a task. In the United Kingdom, each terrorism investigation brings with it on average 10.7 terabytes of data. Put another way, that is 4.4 billion pages or 35 miles of paper.

In the pursuit of that evidence, we cannot allow ourselves to undermine the freedoms that the terrorists want to destroy. Restrictions on social media, abuses of online privacy and any type of censorship are simply not the answer. We also need to recognize that evidence is not only to be found in the Twitter feeds and emails of foreign terrorist fighters. It is also found in the liberated towns of Iraq at the scene of the terrible crimes of Da'esh. Preserving and sharing that evidence is just as important if we are to see justice finally being delivered. That is why the British Foreign Secretary, Mr. Boris Johnson, alongside the Foreign Ministers of Iraq and Belgium, launched an initiative on Da'esh accountability here in September.

As a first step, we look to the United Nations to take action to gather and preserve evidence of the crimes carried out by Da'esh in Iraq. The Government of Iraq is clear that it would welcome international support to complement their efforts. Together, experts of the United Kingdom and Iraq have been working on a proposal to that end and we look forward to bringing it to the United Nations very soon.

Ms. Sison (United States of America) I thank the Minister of Justice of Spain for convening this meeting. We especially welcome your participation, Sir, as a senior official who has first-hand experience in dealing with international judicial cooperation to fight terrorism. I would also like to thank today's briefers.

Let us all think about the terrorist threat that we face today. Terrorist organizations span borders. Terrorists hide in one country before attacking in another. Terrorists may obtain funds from criminal enterprises that traffic people, illicit goods, narcotics or cultural property across different continents. When terrorists talk to each other, their emails may be transmitted from one city to another but the records of such emails sit on servers scattered around the world.

So, how do we prosecute a terrorist who is captured in one State but who is a resident of a second State — a terrorist who may be a citizen of yet a third State whose emails are scattered on servers in a fourth, fifth or even sixth State? The obvious answer is that prosecutors and judges need to cooperate with each other and cooperate

closely. The challenge that we must discuss today is how to make that cooperation effective. Let me address three ways in which we can do that.

First, each Member State needs to have the right laws and agreements on the books — right on both substance and procedure. The Council has played an important role in enshrining the legal framework for countering terrorist activities through resolutions 1373 (2001) and 2178 (2014). Those resolutions focused on ensuring that all Member States make terrorism a criminal offence, take action to cut off the financing of terrorism and prosecute and penalize foreign terrorist fighters. Resolution 2322 (2016), which we have just adopted this afternoon, builds on that progress. It reaffirms that all States should establish as a serious criminal offence under each State's domestic law willfully financing terrorist organizations or individual terrorists for any purpose.

However, it is not enough that States have laws that permit them to prosecute terrorists. States may need to gather evidence that is held in other jurisdictions or even request the extradition of a terrorist. That is why the resolution's focus on mutual legal assistance — obtaining evidence from another country — and extradition, a form of transferring a defendant from one country to another — is so critical. One might assume that those are more or less straightforward processes. However, the United States has invested considerable effort to streamline and update both tools to help fight terrorism.

In the past, mutual legal assistance was a slow and often cumbersome process. It was hard for States to talk to each other and judges often had to authorize requests for evidence. In our modern mutual legal assistance treaties, prosecutors, through coordinating central authorities, can work with each other to make requests for evidence. Modern extradition treaties pave the way for the extradition of terrorists. The United States is working to make it easier for countries to share evidence and extradite terrorists with robust legal safeguards.

That brings me to my second point — implementation. We can strengthen our laws and agreements, but actually disrupting terrorist networks requires that our law enforcement agencies talk to one another. Proximity helps here. The United States sends 60 resident legal advisers from its Department of Justice to our embassies around the world to offer training and technical assistance to prosecutors, along with nine justice attachés who focus on extradition and coordinating international legal cooperation on legal cases. The United States also supports assembling joint investigative teams in which investigators from different States come together to look at a specific incident.

We can talk a lot here in the Security Council about building cooperation on counter-terrorism, and of course we, as diplomats, are used to speaking with representatives of other countries. But all of us should do more to make sure that our prosecutors and law-enforcement officials also have the chance to work directly with one another. That would go a long way to speeding up the sharing of information and resolving the highly technical issues that come with international requests for legal assistance. It also goes without saying that our national law enforcement agencies should improve their cooperation with existing multilateral entities and help share information, such as through INTERPOL. That is especially true when we talk about how to counter foreign terrorist fighters, regularly uploading information on them to INTERPOL's I-24/7 secure global police communications system. Systematically checking against I-24/7 at ports of entry can make a substantial difference in preventing travel by foreign terrorist fighters.

The third thing we have to do is to help one another build the requisite capacities. Judicial cooperation is no easy task. Our laws differ from country to country, as do our courts, prosecutors and law enforcement agencies. The paperwork related to judicial cooperation can be complicated and time-consuming, and rightly so, since we are talking about arresting people and putting them on trial, and therefore do not want to make mistakes. But we do have a lot to learn from one another. We can help each other understand our requirements for sharing information. We can talk to each other about the ways we have disrupted terrorist organizations. We can share strategies for how to gather evidence and build a case against terrorist networks, which do their best to keep their activities hidden. That is why the United States strongly supports the calls in today's resolution to make sure that United Nations entities are helping to provide that expertise.

There are many opportunities for Member States to work closely in fighting terrorism, but that cooperation should not come at the expense of human rights or civil liberties. We can find ways to share digital data, and we should. But we should minimize the sharing of extraneous, private information, and ensure that

these protocols do not suppress freedom of expression. Similarly, timely extraditions are important, but we must ensure that Member States follow all the applicable legal requirements. A desire to expedite matters cannot be an excuse for denying rights to the accused.

There is no question that this issue is a technical one, but let us zoom out and look at the big picture. Terrorism is a threat to our collective security. If a terrorist struck any of us, we would want the tools that today's resolution outlines in order to make sure that all of our investigators and prosecutors can work together. Today's debate should encourage each of us to re-examine what we are doing to bolster those ties.

Mr. Lucas (Angola): We commend the Spanish presidency for convening today's important meeting on international judicial cooperation in the fight against terrorism. We would like to welcome Mr. Rafael Catalá, Minister of Justice of Spain, to the Security Council and thank him for presiding over our debate. We also thank the briefers, Mr. Jean-Paul Laborde, Ms. Dorcas Oduor and Mr. Robert Strang, for their insightful remarks. We commend Spain for its efforts leading to today's unanimous adoption of resolution 2322 (2016), which is yet another landmark in the fight against this scourge, through its establishment and reaffirmation of important political, legal and operational provisions.

Today's meeting is taking place at a crucial time, when terrorism has become an unprecedented threat to international peace and security, owing mainly to terrorists' capacity to adapt and persuade, including by using information technologies, inciting people around the world, especially the young, to join their ranks. Terrorist groups take advantage of social and political instability in many States, while economic, cultural, ethnic and religious asymmetries make societies vulnerable to the incitement and recruitment of young people for subversive acts that can result in the loss of lives, the destruction of social infrastructure, the creation of refugees and the impoverishment of nations. Unfortunately, this is a widespread phenomenon. Terrorist movements, with different labels and characteristics, are active in every region of the world, a reality that calls for coordinated action and the adoption of appropriate mechanisms for preventing and fighting them.

Yesterday was particularly tragic, with terrorist attacks committed in Istanbul, Cairo, Mogadishu and Aden, along with the tragic return of the Islamic State in Iraq and the Levant to Palmyra. We firmly condemn those attacks and offer our condolences to the victims' families. Today's meeting is timely, since it gives us an added opportunity to continue our active attempts to intensify our shared struggle against the deadly threat to people's well-being and to international peace and security that terrorism represents.

The United Nations Global Counter-Terrorism Strategy is the main cooperative framework for Member States working to search out, locate and bring to justice those who support, facilitate and participate in terrorist acts, as well as to deny them safe haven, in accordance with the relevant provisions of national and international law. The Security Council has taken a decisive leadership role in that fight, and resolution 1373 (2001) is central to the endeavour. Its scope and adoption under Chapter VII of the Charter of the United Nations label terrorism as a true threat to international peace and security. Under resolution 1373 (2001), States have to work together to prevent and suppress terrorist acts, increase their cooperation with one another, become parties to the relevant international conventions and protocols relating to terrorism and implement them fully, take effective measures to prevent and suppress the financing and planning of terrorist acts in their territories, as well as strengthening ways to punish offences on an international scale.

In order to achieve that, international cooperation is a crucial tool, given that it is essential for criminal justice practitioners who face new forms of transnational criminality and terrorism to broaden their criminal investigations and prosecutions so as to give them international and even global scope. We have put in place mechanisms for international cooperation in the areas of extradition, mutual legal assistance, the transfer of criminal proceedings and convicted persons, the recognition of decisions by foreign criminal jurisdictions, the freezing or seizure of assets and cooperation between law enforcement agencies relating to all types of criminality, including terrorism and its financing.

Angola, which has much experience in fighting and defeating terrorism, is fully committed to contributing to implementing mechanisms designed to prevent and combat terrorism in all its forms and manifestations. To that end, we have adopted a set of legal, political and administrative decisions for reinforcing international judicial cooperation in preventing and combating terrorism, particularly in relation to the financing,

incitement, recruitment and transit of terrorist fighters through its territories. Among the legislative and executive measures we have taken, we would highlight the laws against money-laundering and the financing of terrorism, and on international cooperation in criminal justice; the tracking of money movements of persons suspected of having connections with terrorist activities; the control of foreign exchange flows and of illegal migration; the strengthening of surveillance, with the installation of high-technology equipment at entry and exit points; the exchange of information between national and foreign entities, including INTERPOL and the Committee of Intelligence and Security Services of Africa; and the strengthening of cooperation with specialized United Nations organs and agencies.

To conclude, the dynamics and the actions of terrorist groups highlights the need for greater cooperation and exchange of information between all nations and world entities. Terrorism can be defeated only through a holistic and sustained approach by all States, international and regional organizations and civil society, in a common effort to isolate and combat terrorist threat. In this endeavour, international cooperation among law-enforcement agencies in preventing terrorist acts and judicial practitioners in holding its perpetrators accountable is key. The fight against terrorism must involve all societies aiming to build a more peaceful and just world, based on security, peace and respect for human rights.

Mr. Rosselli (Uruguay) (*spoke in Spanish*): I wish to thank you, Mr. Minister, in your capacity as President of the Security Council, first of all for your initiative in bringing this issue before the Council, and I wish to thank the briefers for their valuable presentations.

Uruguay reiterates once again its firm condemnation of terrorism. Today it wishes also to express its indignation at the barbaric attacks that took place this weekend in Cairo and Istanbul. It expresses its solidarity with the families of the victims and conveys its condolences to the peoples and the Governments of Egypt and Turkey.

All terrorist acts are reprehensible. There can never be any political, ideological, philosophical, religious or other kind of justification for such acts. Uruguay believes that international cooperation is vital in this respect and therefore urges coordinated action on the part of all States to combat terrorism, using tools that are tailored to countering the increasingly sophisticated methods now used by terrorist groups.

Uruguay has always made the rule of law, especially international law, its modus operandi and has always been a firm champion of cooperation as a way of facilitating proceedings, in the recognition that cooperation is one of the fundamental principles of the international community. Judicial cooperation is vital to combating crime in general and terrorism in particular.

Uruguay co-sponsored and voted in favour of resolution 2322 (2016) on the basis of its conviction that it represents a robust instrument for promoting cooperation and coordinated action among States in their struggle against terrorism. In the framework of such cooperation, we must take into account the varying capacities of Member States and respect national legislations, without prejudice to obligations deriving from international law.

Another key aspect is coordination with prosecutors' offices and judicial authorities. These bodies must perforce be actively involved in promoting knowledge-sharing on good practices and in facilitating capacity-building. In accordance with international law, Uruguay rejects the wrongful granting of refugee status to those who commit, organize or facilitate acts of terrorism. We therefore agree that it is not acceptable to claim political motivations in the commission of terrorist acts in order to try to avoid extradition. At the same time, we must be careful not to resort to unrestricted use of the right to extradition.

Uruguay is in favour of coordination in the area of requests for cooperation in the digital sphere and for the preservation of evidence and the transmission of information. However, this must always take place with due respect for human rights, privacy and the freedom of thought and expression. In that respect, we must guard against undermining the right to due process and respect for human rights during investigations and proceedings carried out as part of the fight against terrorism.

In conclusion, Uruguay, a country that respects the rule of law as well as the internal judicial procedures of nations, supports judicial cooperation as an instrument of great relevance and utility in adopting joint approaches that help combat terrorism and promote international peace and security.

Mr. Aboulatta (Egypt) (*spoke in Arabic*): At the outset, I wish to thank the Spanish presidency of the Security Council for having convened this important meeting and for the initiative to discuss the topic under consideration. I should like also to thank all briefers for their valuable interventions. In addition, I wish also to offer thanks and appreciation to all those who expressed their solidarity with Egypt in connection with the terrorist acts that struck us yesterday morning, which led to the deaths of 25 persons, most of them women and children, as they prayed in one of Cairo's historical churches. I should like to underline that such incidents will only make us more adamant and determined to combat terrorism and eradicate it completely.

International judicial cooperation in countering terrorism is one of the most important pillars in the effort to fight terrorism. It is vital in the context of a comprehensive approach to combat this appalling scourge. Without effective cooperation in this domain, our efforts will always be incomplete and fall short of reaching their objectives. It is as if we were working in silos when it is in fact imperative for our efforts to be complementary. We must fully cooperate and uphold the common good and common interests, because no country alone can defeat terrorism. So just as we have forged alliances to defeat terrorism militarily and operationally, we should also forge alliances and cooperate judicially to defeat terrorism.

Resolution 2322 (2016), which the Council adopted today, sends an important message to terrorists that the international community is unified and adamant in eradicating terrorism, and to the international community on the need to go beyond narrow interests in order to attempt, within a legal framework, to promote international judicial cooperation in all its forms and aspects, while stressing the need to end any form of support for terrorism.

The resolution includes a number of important aspects, including, for example, the need for the exchange of information among States so as to stop the financing of terrorism and the supply of weapons to terrorists, as well as the need to enact the legislation necessary to criminalize the financing of terrorism, promote police cooperation and benefit from the capabilities of INTERPOL, and build the capacity of States, with reference to the vital role played by the United Nations Office on Drugs and Crime. There is also need to promote and develop cooperation among States, in line with criminal investigations relevant to terrorist offenses.

The resolution also refers to the imperative of holding officials accountable for terrorist acts, as well as extraditing and prosecuting any person accused of supporting, facilitating or participating in terrorist acts. In that vein, the resolution reafirms the need to not provide a safe haven to those who are financing, planning or supporting terrorism. The resolution equally reaffirms that it is necessary that terrorists not abuse the asylum right. Political motives cannot be taken as a pretext by States to reject requests for the extradition of those accused of committing terrorist acts.

The Security Council's adoption of the resolution on international judicial cooperation in countering terrorism is important; however, what is more significant when it comes to Security Council resolutions on combating terrorism in general is the political will of States to implement such resolutions. And that requires concerted follow-up on the part of the Security Council, as well as holding accountable States that do not fully abide by their implementation and those States that continue to support terrorists or provide shelter to them.

In conclusion, I would once more like to thank the Spanish presidency of the Security Council. I would like to reaffirm that Egypt will constantly maintain its commitment to be at the forefront of international efforts to defeat terrorism, while respecting international law, the rule of law and human rights.

Mr. Vitrenko (Ukraine): I would like to express Ukraine's sincere appreciation to the Spanish President personally for convening such an important meeting, as well as for initiating resolution 2322 (2016), which Ukraine sponsored.

I would also like to join other delegations in expressing our solidarity and condolences to Egypt, Turkey and other countries that recently suffered violent terrorist attacks.

Of course, I also thank the briefers for their important contributions to today's meeting.

There is no doubt that today, when the growing terrorist threat transcends national borders, international legal cooperation in matters pertaining to counter-terrorism is of paramount importance. No single State, no matter how technologically advanced or militarily powerful, can effectively combat this

problem on its own. Numerous international treaties and United Nations decisions in the counter-terrorism field have already established mechanisms to facilitate mutual legal assistance, apprehend fugitives and, when appropriate, extradite wrongdoers. Yet they often lack cohesion and efficiency because of complicated and time-consuming procedures for processing foreign requests in investigations and prosecutions against those suspected of involvement in terrorist activities. In that connection, I would like to highlight several points on improving practical cooperation and reducing delays in rendering mutual legal assistance and information-sharing.

To ensure a faster response, especially in circumstances demanding the prioritization of handling terrorist-related cases, there is a persistent need to create effective central authorities for mutual legal assistance and extradition, with adequate resources and experienced staff. Such authorities can also serve as the main points of contact within the framework of international and regional cooperation platforms.

To rapidly seek and provide assistance, States may consider using simplified electronic request forms for mutual legal assistance. To facilitate those endeavours, international institutions, primarily the United Nations Office on Drugs and Crime and INTERPOL, could conduct training for competent national authorities. Furthermore, developing and introducing a universal electronic system for submitting, managing and responding to mutual legal assistance requests in terrorism-related cases can be another major undertaking. Competent authorities can also benefit from using different ways of direct communication, such as email or video teleconferencing, in order to overcome challenges that may arise in satisfying such requests.

To avoid conflicts over jurisdiction in cases that are subject to prosecution in more than one country, States can devise and apply universal jurisdiction mechanisms for the prosecution of terrorists in the interest of justice — for instance, tribunals, special courts or even inter-State hybrid courts. In such instances, the transfer of criminal proceedings can be one possible solution. Implementing such possible steps may require a revision of the relevant bilateral and multilateral treaties on international cooperation in criminal matters related to terrorism, or the conclusion of supplemental agreements to incorporate those additional provisions.

While processing mutual legal assistance requests may take some time, there is a growing need to provide the basis for timely sharing of imperative intelligence information when investigating terrorist activities and securing criminal evidence, apprehending suspects and preventing terrorists acts from being carried out. That is where the Latin saying periculum in mora takes on a special significance.

Therefore, establishing a mechanism for cross-border collaboration between judicial and law enforcement agencies, including by appointing liaison officers and conducting joint investigations in terrorism cases, facilitating the wider use of investigative international databases and providing access to them for competent national authorities, and facilitating inter-agency collaboration are all of paramount importance. In that vein, we also support the establishment of direct global communication platforms for competent authorities, such as the recently introduced point-of-contact network set out in the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, or the INTERPOL I-24/7 police information exchange system.

In the world's history, humankind has suffered from various disasters, wars, epidemics and other challenges. Still, we have always managed to overcome them. By being united, therefore, we will eliminate the terrorism threat once and for all. Frankly speaking, mutual legal assistance reform in counter-terrorism-related cases will not be easy, but there is an urgent need to make inter-State cooperation more agile and efficient. That is why we considered your initiative, Mr. President, and this discussion particularly topical and timely. We are confident that today's resolution will help us to achieve that goal.

Mr. Van Bohemen (New Zealand): I thank the Spanish presidency for convening this briefing. I also wish to thank our briefers today.

Promoting cooperation has long been an objective of the Security Council's counter-terrorism efforts. Today's resolution 2322 (2016), on international judicial cooperation on counter-terrorism, advances those efforts, and we commend Spain for its leadership.

I, too, wish to place on record my delegation's condolences to Egypt and Turkey for yesterday's terrorist attacks.

While terrorism is not a new phenomenon, the rise of extensive global networks and their sophisticated use of modern communications technologies have considerably extended its reach. No country can consider itself safe from the threat. Groups such as the Islamic State in Iraq and the Levant (ISIL)/Da'esh and Al-Qaida propagate and carry out indiscriminate attacks across borders and use the Internet to recruit for, finance and incite acts of terror. They find refuge in fragile States and vulnerable communities and among the disenfranchised.

As the Council has recognized, the emergence of foreign terrorist fighters and the susceptibility to recruitment of young people from all parts of the world are particularly concerning developments. Foreign terrorist fighters prolong the conflicts in which they participate and carry extremism from one conflict zone to another. Without effective strategies for deradicalization and reintegration, the knowledge and skills they have gained also have the potential to pose a threat to their countries of origin, should they return.

We all know there are no quick or simple solutions. Effective solutions will require time, resources and commitment across a broad spectrum of activities to combat terrorism, prevent and limit its spread, bring terrorists to justice and rebuild the communities that have suffered the effects of terrorist violence and oppression. Effective prosecution and enforcement are key parts of that effort. International cooperation is also essential to make those parts work, just as it is to all of our efforts to keep our communities as safe as they can be.

The transnational nature of many terrorist operations makes it much harder both to prevent terrorist attacks and apprehend terrorists. As our briefers have emphasized today, the transnational dimension also poses major challenges to the successful prosecution of terrorists, once apprehended. In many cases, the information, evidence and witnesses necessary to conduct a prosecution successfully are located in a number of different countries, which raises both practical and legal challenges.

As today's resolution stresses, international cooperation among law enforcement agencies and judicial authorities is essential. Mechanisms such as mutual legal assistance and extradition have long existed, but their role in responding to terrorism remains underutilized. Given the extensive use of the Internet by terrorist groups, mutual legal assistance in relation to digital data will become increasingly significant. Just as our approaches to counter-terrorism must respond and evolve to meet the threat, so must the ways in which States cooperate on prosecution and enforcement issues. We must be as efficient and effective as possible to combat impunity, while ensuring respect for human rights, and in particular ensuring respect for due process in criminal and associated proceedings.

In that regard, we must recognize and deal with the fact that many States do not have the systems or the resources to make or respond adequately to requests for evidence or extradition in a terrorism case. We are therefore going to have to do more to strengthen their capacities in those areas. Otherwise, some States may become unwitting havens for terrorists seeing to evade justice or hide assets. To that end, New Zealand recently hosted a joint United Nations Office on Drugs and Crime and Pacific Islands Forum workshop in Auckland, focused on ensuring legislative compliance with international counter-terrorism instruments.

New Zealand strongly supports the Secretary-General's Plan of Action to Prevent Violent Extremism. We will never achieve our common goal of dealing effectively with terrorism if we do not put a sharp focus on addressing the conditions that drive individuals to commit acts of terrorism in the first place. While security responses are essential, they will only ever be a partial fix to the much broader problem. New Zealand also values the work of the Global Counter Terrorism Forum in developing guidelines of best practices, including on judicial cooperation in counter-terrorism.

The special meeting on terrorist financing to be convened by the Chairs of ISIL/Al-Qaida and Counter-Terrorism Committees today and tomorrow will provide a useful opportunity to discuss one of the key challenges that we face, that is, how to deprive terrorist groups from accessing, raising and moving the funds they need to finance their activities. I encourage my successor as Chair of the Security Council Committee established pursuant to resolution 1267 (1999) to continue that useful practice of joint meetings between that Committee and the Counter-Terrorism Committee on the many issues of common interest.

In conclusion, I must stress the key role that the Council plays in encouraging States to work together at the bilateral, regional and international levels to identify and address the drivers of violent extremism.

Today's meeting helpfully builds on high-level Council meetings on counter-terrorism involving Ministers of the Interior and Finance last year, and reinforces the message that all the relevant agencies within Governments need to be involved in implementing Council counter-terrorism resolutions.

Mr. Ramírez Carreño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): In conveying a warm welcome to His Excellency Mr. Rafael Catalá, Minister of Justice of Spain, the Bolivarian Republic of Venezuela thanks the President for convening this important briefing to address an issue of major interest to our country, namely, strengthening international judicial cooperation in the fight against terrorism. We would also like to thank today's briefers.

Given the significance and scope of this debate in the efforts to boost international cooperation in the area of combating terrorism, our delegation joined the consensus in voting in favour of resolution 2322 (2016), which we are sure will have a positive impact on our common goal of eliminating that scourge and ensuring accountability in cases linked to terrorism.

We would like to take this opportunity to express our heartfelt condolences to, and solidarity with, the families of the victims and the Governments of Yemen, Turkey, Egypt and Nigeria, which this very weekend were struck by the barbarity of terrorism, which has once again left behind death and destruction in its wake.

Terrorism is a transnational phenomenon that threatens international peace and security. Moreover, given our interconnected world today, the linkages between the financing, training and safe haven provided to those responsible for this despicable scourge also make terrorism transnational in character. If we are to eliminate terrorism, the international community must be resolute in its commitment.

Experience shows us that terrorist groups feed on despair, injustice, frustration, a lack of opportunities and the denial of human rights and fundamental freedoms to promote their criminal and political agendas, which are based on intolerance, sectarianism and violent extremism. Poverty, social and economic inequalities, political, ethnic and religious intolerance, as well as the imposition of unilateral coercive measures, foreign occupation and interference and violations of the sovereignty of peoples and nations, to name but a few, are also part and parcel of the so-called drivers of terrorism.

We must recognize that, following the criminal terrorist attacks of 11 September 2001, a military doctrine of a global war on terrorism was put in place. Unfortunately, from that moment on, a set of military interventions with different motives ensued in Iraq, Libya and Syria, which have hugely destabilized the region, leading to the collapse of the institutions of the subject countries, along with their political and social frameworks. That allowed for the extraordinary spread of extremist and radical ideologies, with military support and financing from other countries to use the children of war and violence in terrorist groups affiliated with Al-Qaida, Da'esh, the Al-Nusra Front and other associated groups. Those groups have exponentially expanded and are fuelled by war, sectarianism and the proliferation of all sorts of weapons in the region. They also affect other regions in Africa and Europe, which is a tremendous humanitarian toll.

It is for that reason that, as we have said on previous occasions, effectively combating terrorism requires a joint and resolute effort by the international community, as well as the full and non-selective implementation of the relevant resolutions of both the General Assembly and the Security Council that, among other things, prohibit the transfer of weapons and the financing, training and provision of shelter to terrorist groups, including the integrated and balanced implementation of the four pillars of the United Nations Global Counter-Terrorism Strategy. Therefore, our country is strongly committed to the fight against terrorism in all its forms and manifestations, as we have shown at the international and regional levels through our accession to a large number of treaties and conventions, as well as in the national sphere through the enactment and review of a series of legal instruments.

In that connection, the Security Council must at all times show clear and unanimous evidence of its resolute commitment to prevent, combat and eliminate this despicable scourge, while avoiding the use of double standards in the fight against terrorism. The ruthless violence unleashed in recent years both by terrorist groups and non-State actors through the recruitment of children, abductions, the destruction of World Heritage Sites, as in the case of the ancient city of Palmyra in Syria, slavery, sexual and gender-based violence as weapons of war, as well as the use of chemical weapons, have seriously impacted the civilian population, particularly ethnic and religious minorities and the most vulnerable groups, whose human rights

have been systematically and deliberately violated, in contravention of international humanitarian law and international human rights law.

In addition to triggering an unprecedented humanitarian crisis, such actions constitute a clear pattern of war crimes, crimes against humanity and genocide, as clearly defined in the Rome Statute, and the perpetrators of such acts must be brought to justice. Accountability in terrorism-related cases is particularly important for our country, which is why we would like to see international legal cooperation strengthened in the gathering and safeguarding of evidence in order to ensure due process.

Effectively combating terrorism leaves no place for dichotomies, and therefore there cannot be good terrorists and bad terrorists. Terrorism is terrorism, and it must be unequivocally prevented, combated and eliminated. Given the transnational nature of terrorism and the phenomenon of foreign terrorist fighters, international legal cooperation is key to ensuring that investigations and prosecutions of those responsible for terrorist acts lead to positive results. Of course, such action must respect due process and avoid summary executions or the use of technological devices that violate human rights.

That is why we consider the recently just adopted to be of great importance. In that regard, we take this opportunity to recognize the efforts of the Spanish delegation during the lengthy and complex rounds of negotiation on the resolution, which resulted in the consensus adoption of the resolution, despite at least one permanent Council member's inflexibility throughout the process.

Venezuela is of the view that international legal cooperation in the fight against terrorism can be strengthened, inter alia, through mutual legal assistance and the principle of extradition or prosecution, in particular to ensure that justice is served and to enforce the sentences of those persons legally convicted of terrorist acts in accordance with the provisions of paragraph 9 (d) of resolution 2322 (2016).

Our country has also been a victim of terrorism, as seen in the cases concerning the 1976 bombing of the Cubana de Aviación flight perpetrated by the notorious self-avowed terrorist Luis Posada Carriles, in which 73 innocent people died, mostly Cuban athletes. I also wish to cite the terrorist attacks on the Colombian and Spanish diplomatic headquarters in Caracas in February 2003. Despite the efforts made to prosecute or extradite those responsible for committing those criminal acts, they remain fugitives from justice under the protection of the State of one of the members of the Security Council.

We therefore call on the members of the international community, in particular Council members, to ensure coherence in their speeches and actions. We also call for the effective implementation of the extradition agreements regarding persons identified as perpetrators of terrorist acts, in accordance with the relevant resolutions of the Security Council and of the General Assembly. As in cases of atrocity crimes, there can be no impunity in situations involving terrorism, much less safe haven, protection or shelter for those responsible for such reprehensible crimes. That means that, beyond just technically cooperating on law enforcement, what is needed is the political will to ensure that we bring to justice and convict those responsible for terrorist acts.

Venezuela reaffirms again today that the fight against terrorism must take place within the framework of international cooperation, in accordance with existing regional and international instruments, including the purposes and principles of the Charter of the United Nations and the rules of international law, fully respecting human rights, fundamental freedoms and the rule of law and with strict respect for the sovereignty of States.

However, we believe that prevention will always be the best way forward in tackling the scourge of terrorism. In that regard, we consider it crucial to move forward in strengthening international cooperation, including the building of technical capacities to develop and strengthen infrastructure, mechanisms and processes, including the exchange of information and good practices, to identify areas of vulnerability that need improvement and review mutual legal assistance mechanisms if we are to be truly effective in this fight. In that regard, we recognize the important role of the Counter-Terrorism Implementation Task Force, and in particular of the United Nations Office on Drugs and Crime.

Lastly, it is our view that the international community, now more than ever, must continue to work in a resolute, united and coordinated way to prevent and combat terrorism. In that context, we believe that the adoption of a future international convention against terrorism would complement the existing

set of international legal instruments by providing a definition that would strengthen consensus in this area.

Mr. Wu Haitao (China) (*spoke in Chinese*): We commend Spain's initiative in convening this debate on enhancing international judicial cooperation in countering terrorism. We welcome Justice Minister Rafael Catalá to New York to preside over the meeting. We thank Mr. Jean-Paul Laborde, Executive Director of the Counter-Terrorism Committee Executive Directorate; Ms. Dorcas Oduor, Deputy Director of Public Prosecutions in Kenya; and Mr. Robert Strang, Executive Secretary of the International Institute for Justice and the Rule of Law, for their briefings.

We strongly condemn the terrorist attacks that took place recently in Egypt and Turkey, and we express our condolences to the victims. We support affected countries in taking action to combat terrorism and safeguard national peace and security.

Terrorism is a common challenge faced by all humankind. We must resolve to fight terrorism in all its forms and manifestations, wherever and whenever it occurs. In the fight against terrorism, we must avail ourselves of uniform standards. We cannot link terrorism to any specific religion or ethnicity. We must abide by the purposes and principles of the Charter of the United Nations and allow the Organization and the Security Council the central coordination role in taking concerted action.

We must use multiple means, including political, economic and cultural, in pushing for political solutions to regional conflicts and address both the symptoms and the root causes in order to eliminate the breeding grounds of terrorism. Terrorist organizations are currently running rampant. With tighter organizations they are carrying out more frequent cross-border activities. They are using new technologies, such as the Internet, to disseminate extreme narratives. Their threat is on the rise. Countries should strengthen legal cooperation in the fight against terrorism in order to weave a legal and judicial dragnet across all regions of the world to ensure that terrorists have no place to hide.

First, strengthening counter-terrorism legislation provides a domestic legal foundation for countering terrorism and implementing cooperation among international partners in this field. The international community, in accordance with the Council's resolutions, should support countries in developing domestic counter-terrorism legislation and updating it as required by current terrorist threats. At the same time, we must bear in mind the various national conditions and situations. The international community should respect the legislative and judicial sovereignty of all States.

Secondly, strengthening counter-terrorism cooperation is an important channel for combating cross-border terrorist activities. Countries must implement fully the relevant Security Council resolutions and multilateral and bilateral legal treatises on the mutual use of legal assistance and extradition in order to generate synergy in bringing terrorists to justice. There should be no double standards or politicization in carrying out judicial cooperation. China calls on all countries, on the basis of equality and mutual benefit, to step up cooperation in counter-terrorism activities and intensify the negotiation and conclusion ofmutual legal assistance and extradition treaties.

Thirdly, strengthening counter-terrorism cooperation is an important way of joining hands in counter-terrorism efforts. On the basis of equality and mutual benefit, countries should carry out cross-border enforcement cooperation in order to cut off supply lines to terrorist organizations in terms of recruitment, financing and weapons. In accordance with Security Council resolutions, countries should step up cooperation in areas such as intelligence sharing, border control and enforcement support so that they can join hands in fighting foreign terrorist fighters, especially repatriated foreign terrorist fighters, in order to deal with the threats they pose.

Fourthly, we must focus our efforts on suppressing the use of the Internet for terrorist activities. At present, terrorists are using the Internet as well as social media and other platforms to spread both audio and visual messages to disseminate extreme narratives and ideologies, recruit people and raise funds. Those are serious threats. The international community should bear in mind the special features of cyberspace and act in accordance with Security Council resolutions to take effective collective measures to respond to such threats. Countries should step up legislation and reinforcement work and undertake judicial cooperation in order to strengthen Internet-based monitoring and surveillance activities and hold perpetrators of terrorist activities accountable.

China is an important member of the international counter-terrorism community. At the end of last year,

China promulgated its own counter-terrorism law: a commitment for China to upscale its efforts to counter terrorism and push for international counter-terrorism cooperation. Our law clearly provides that China will, in accordance with the treaties to which we are party and on the basis of equality and mutual benefit, undertake counter-terrorism cooperation with the relevant countries, regions and international organizations in areas such as policy dialogue, intelligence sharing, enforcement cooperation and the monitoring of fund flows. In accordance with the provisions of its counter-terrorism law, China will continue its efforts to work with international partners in order to prevent and combat terrorism so as to ensure national security and protect its people's lives and property and make a positive contribution to the safeguarding of world and regional peace and security.

Mr. Barro (Senegal) (*spoke in French*): Senegal is pleased to see you, Mr. President, in your capacity as Minister for Justice of the Kingdom of Spain, presiding over this Security Council meeting devoted to international judicial cooperation in the fight against terrorism, which is an extremely pertinent and relevant theme.

My country also takes this opportunity to resolutely condemn the murderous wave of attacks over the weekend in Cairo, Istanbul, Aden and Mogadishu. We express our sympathies and solidarity to the affected countries. Senegal solemnly and unequivocally reiterates its condemnation of all terrorist acts in all their forms and manifestations, regardless of where they take place or who the perpetrators are.

I would also like to thank today's briefers — Mr. Jean-Paul Laborde, Executive Director of the Counter-Terrorism Executive Directorate; Ms. Dorcas Oduor, Deputy Director of Public Prosecutions in Kenya; and Mr. Robert Strang, Executive Secretary of the International Institute for Justice — for the quality of their presentations.

Since terrorism knows no borders, we must face it in collective and determined solidarity by developing optimal coordination at the international level. It is in that spirit, but also in respect of the rule of law, democracy and human rights, that we must combat this scourge, particularly through effective and enhanced international judicial cooperation. It is therefore essential that States adopt adequate and comprehensive legislation to prevent and combat acts of terrorism.

In that regard, allow me to recall that, under resolution 1373 (2001), adopted on 28 September 2001, the Security Council established close links between international terrorism and transnational organized crime, drug trafficking, money-laundering, illicit arms trafficking and the illegal transfer of nuclear, chemical and biological materials. That is a clear reminder of the need for States to develop cooperation mechanisms.

It is undoubtedly such willingness to cooperate that is at the root of the existence of today's strong legal framework, which includes 19 instruments, without mentioning the various initiatives and actions carried out by the international community. Unfortunately, such a legal arsenal has not yet made it possible to halt the scourge of terrorism, which manifests itself in new and increasingly complex and unpredictable forms that are harder to prevent and counteract. That is due to the gaps in international cooperation, particularly in the judicial field, as terrorism thrives on the use of modern communication and propaganda tools to broaden its scope and targets.

Moreover, judicial cooperation remains the weakeast link in the international fight against terrorism. That is due, inter alia, to the absence of adequate means and training of justice actors. Procedures that are often slow, complicated and inadequate lack the speed required for an effective fight against terrorism. In addition, we also lack a specific international resolution on international judicial cooperation — a gap that must be bridged as soon as possible, as we did a short while ago this morning by adoptinng resolution as 2322 (2016).

Judicial cooperation remains a prerequisite if we are to overcome the difficulties inherent in the investigation and prosecution of terrorist acts, especially when certain elements of the case — such as evidence, suspects and witnesses — are spread out over several jurisdictions, or if we are dealing with electronic evidence, which is particularly complex to preserve. Mutual legal assistance and exchanges of information on terrorist networks and their operations should be intensified and facilitated.

Moreover, it is important, if not urgent, for States to introduce deliberate violations of the ban on the financing of terrorist organizations or individuals for whatever purpose into their national legislation as a serious criminal offence. In order to effectively address the financing of terrorism, States must, within the framework of international judicial cooperation, give

themselves the means to freeze the assets of persons and organizations engaged in acts of terrorism and to counteract the maneuvers of those who collect funds for such acts. Such funds come from transnational organized crime, including trafficking in arms, people, drugs and artefacts, illegal trade in natural resources stones and precious metals, kidnapping, extortion and theft.

Moreover, abandoning the traditional principle of double jeopardy for terrorism in the execution of arrest warrants and the incorporation of universal jurisdiction into national law for a global and uniform prosecution of criminals must also be fully integrated into judicial cooperation.

On another aspect, we find that terrorist groups benefit from international transport facilities, the spread of combat zones, the porosity of borders, and information and communication technologies. They expand their sphere of influence and action by recruiting combatants from various geographical areas. The subject of resolution 2178 (2014), of which Senegal was a co-sponsor, is also an aspect that must be addressed within the framework of international judicial cooperation.

Timely cooperation and action, in accordance with international obligations, can assist States in preventing foreign terrorist fighters from entering conflict zones and in developing effective strategies to deal with repatriated persons. That would therefore preserve, through judicial and police authorities, essential evidence for the judicial process.

The counter-terrorism fight should be a consolidated struggle on a global scale. It is important that we all show the same level of commitment, no matter where the threat is detected. In that regard, Africa must receive special attention in the implementation of resolution 2322 (2016), both because of its various vulnerabilities and because of the numerous terrorist groups that thrive there. As an illustration, the nature and number of criminal activities perpetrated in recent years in the strip of the Sahel have not ceased to evolve, with regular changes in location and targets, which demonstrates the level of flexibility and the capacity for adaptation by terrorist groups that are operating in the region.

In conclusion, my delegation would like to vigorously reaffirm the need to constantly adapt the legal arsenal and judicial systems to the evolving terrorist threat. Judging terrorist offences is today reserved just for the competence of national courts. International jurisdictions cannot hear, for instance, certain terrorist acts when they present constitutive elements of crimes falling within their purview. That limited effectiveness in treatment merits being underlined and taken into account in our quest for a global response to the threat of both global terrorism and violent extremism.

Mrs. Adnin (Malaysia): My delegation thanks you, Mr. President, for convening this timely and important meeting. I also wish to thank all the briefers for their respective presentations, which provided important views and perspectives on the issue at hand.

Before moving on to the subject of our discussion today, I take this opportunity to express the deepest condolences and sympathies of the people and the Government of Malaysia to the victims and loved ones affected by the terrorist attacks in Mogadishu, Cairo and Istanbul yesterday. We wish the injured speedy recovery. We are also deeply troubled by a report coming out of Maiduguri, Nigeria, where yesterday two young girls allegedly carried out suicide bomb attacks only mere minutes apart. Malaysia reaffirms its solidarity with Somalia, Egypt, Turkey and Nigeria, and we stand together with all countries that are victims of such vile and cowardly attacks.

Those attacks underscore the importance of collective and coordinated action at all levels in combating the scourge of terrorism. In my delegation's view, our meeting today represents another significant step towards that end by seeking to strengthen international cooperation in the administration of justice and accountability for perpetrators of terrorism and terrorist attacks. In that connection, my delegation also welcomes the currently ongoing joint meeting between the Security Council Committee established pursuant to resolution 1267 (1999), concerning Al-Qaida and the Taliban and associated individuals and entities, and the Security Council Committee established pursuant to resolution 1373 (2001), concerning counter-terrorism, focusing on lessons learned and challenges in preventing terrorist groups from accessing, raising and moving funds. We believe that resolution 2322 (2016), just adopted by the Council, which Malaysia was pleased to co-sponsor, will make a meaningful and significant contribution to strengthening international cooperation in combating terrorism in the particularly crucial aspect of financing.

As alluded to in the briefings, and as delegations have attested, the task of ensuring accountability for perpetrators of terrorist attacks can be complex and challenging, particularly for law enforcement and judicial authorities. We share the view that issues of sovereignty, borders and differences in legal systems are some of the major obstacles to better cooperation among States. Such an apposition takes advantage of the differences between legal systems, the clash of bureaucracies, and often exploits the cumbersome nature of inter-State trials and arrangements for legal and judicial cooperation. That notwithstanding, Malaysia firmly believes that traditional arrangements for cooperation, such as mutual legal assistance and extradition arrangements, could continue to be enhanced. Where appropriate, areas such as evidentiary standards, communication and records could be streamlined with a view to minimize the transactional processes involved when such arrangements are activated between countries.

At the domestic level, Malaysia enacted its mutual legal assistance legislation in 2002. Act No. 621, also knows and the Mutual Assistance in Criminal Matters Act, designates the Attorney-General as the central authority empowered to make and receive requests for mutual assistance in criminal matters to be rendered and sought between Malaysia and other countries and for matters connected therewith. With regard to extradition, the designated central authority is the Minister of Home Affairs, who will act upon advice from the Attorney-General's chamber. For Malaysia, a reciprocal commitment is a mandatory requirement that needs to be fulfilled when a requesting State makes an extradition request. As such, we are pleased that this important principle is duly recognized in resolution 2322 (2016).

The Government of Malaysia is currently in the process of reviewing the current mutual legal assistance legislation, including the model treaty, with a view to keeping abreast of common international practices in dealing with the threat posed by terrorism and terrorist actors, including the foreign terrorist fighters phenomenon. Furthermore, at the regional level, the Association of Southeast Asian Nations (ASEAN) has in place mutual legal assistance treaty arrangements intended to facilitate the implementation of ASEAN member States' obligations under mutual legal assistance regimes established under international instruments, such as the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption. Those arrangements reflect the common desire and commitment of ASEAN member States to improve the effectiveness of law enforcement authorities in the prevention, investigation and prosecution of offences through cooperation and mutual legal assistance at the regional level.

In conclusion, the multidimensional nature of the threat posed by terrorism and terrorists, including foreign terrorist fighters and related activities, especially on financing, constitute an ongoing challenge to international peace and security, which requires intensified cooperation at all levels in order to fully counter that scourge. We believe that the adoption of resolution 2322 (2016) strengthens the underlying foundations for such cooperation and paves the way for all States, as well as other partners and stakeholders, in taking effective measures and cooperation in that regard.

As my delegation prepares to leave the Council, I wish to underscore Malaysia's commitment to continuing its cooperation and engagement with key partners, including the Counter-Terrorism Committee Executive Directorate, the United Nations Office on Drugs and Crime and INTERPOL, in their tireless efforts to ensure accountability for perpetrators of terrorist acts and supporters of terrorism.

Mr. Delattre (France) (*spoke in French*): As the Security Council is aware, France has been struck several times by murderous attacks, including on 14 July, our national holiday. We will not forget the exceptional groundswell of solidarity from the entire world, the popular gatherings, the monuments illuminated in the colours of the French flag and the numerous leaders who expressed their solidarity.

But France is certainly not the only country to have been attacked. Again just this weekend, Egypt, Turkey, Nigeria and Somalia were once again affected by terrorist attacks. On behalf of France, I wish to again convey to them our most sincere condolences.

Faced with this global threat that knows no borders, our response can be nothing less than collective. It must cover all fronts: military action, where necessary, and certainly political and diplomatic efforts to resolve the crises that fuel terrorism. Apart from those obvious initiatives, however, a whole series of areas, which are sometimes perceived as more technical, remain

absolutely essential to an effective and sustainable fight against terrorism. International legal and police cooperation is one of them.

I would therefore first like to extend my heartfelt thanks to Spain for this initiative. Today's debate provides us with an opportunity to send a strong and united message from the Security Council on the importance of international cooperation in fight against terrorism — much as we have done previously on the financing of terrorism or combating propaganda. Step by step and under the auspices of the Council, the United Nations is increasingly at the vanguard in the fight against terrorism. It is increasingly able to act and ensure the convergence of States' efforts to counter that scourge. I also thank the speakers for their very informative briefings.

France welcomes the unanimous adoption of resolution 2322 (2016), aimed at strengthening judicial and police cooperation in the fight against terrorism, the first such resolution to deal specifically with the issue. I should like to focus on three especially important messages sent by the resolution.

First of all, it asserts that strengthening international judicial and police cooperation is not only essential to preventing foreign terrorist fighters from entering conflict zones but also to preparing for and managing their return to their respective territories, which is a crucial task.

Secondly, it stresses the importance of rapid coordination between the States involved in a terrorist investigation. Unfortunately, France has had considerable experience in that field. Through the attacks of 13 November 2015, we saw that the networks in question crossed Europe. Rapid and effective coordination can therefore be a major asset to successful investigations.

Thirdly, it highlights the need to use all available legal tools for cooperation in mutual legal assistance and extradition. The development of a directory of focal points and the use of electronic means of communication as support for requests for mutual assistance are especially desirable.

France also welcomes the fact that the resolution echoes the major initiatives of the European Union with regard to judicial and police cooperation in the areas of counter-terrorism.

France does not underestimate the current challenges of international judicial and police cooperation in the fight against terrorism. There are technical challenges, particularly those posed by the use of new information and communication technologies by terrorist groups, especially encrypted messaging systems. Differences in legal systems as well as the complexity of judicial organizations can also sometimes hinder cooperation. But those challenges are not insurmountable, and the United Nations has an essential role to play in that area.

First, the Organization must raise awareness and build capacity in States that need it, as a particularly important measure in helping States to better understand and respond to these challenges. In that regard, the technical assistance provided by the United Nations Office on Drugs and Crime, particularly in the development of databases and the establishment of regional cooperation networks, is particularly valuable.

Moreover, given its universality and its legitimacy, the United Nations is in a position to encourage international cooperation among States, particularly with regard to the exchange of information and the gathering of evidence. Country visits by the Counter-Terrorism Committee Executive Directorate are excellent opportunities for conveying those messages.

Finally, the United Nations has the unique capacity to bring together Member States, international organizations, the private sector and civil society in one place to discuss common problems, which is a real asset for strengthening public-private cooperation. In that regard, the Organization has a particular responsibility and it is an irreplaceable asset because of its legitimacy in the fight against terrorism, which affects us all.

I once again thank the Spanish presidency for this very thorough and important debate. Rest assured that France will continue to play its full part in efforts to strengthen international judicial and police cooperation in the fight against terrorism.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We welcome the initiative to discuss in the Security Council issues of legal cooperation in the context of combating terrorism. We think it is a timely debate. The tragedies in Egypt, Turkey and other countries remind us once again of the need for an energetic, consistent and joint struggle against the scourge of terrorism. We join others in expressing our condolences to the States that have been victims of terrorist acts. It is now, in the light of the active

struggle against terrorists in Syria and Iraq, and with the endless funnelling of human and material resources to terrorist groups, that the sheer scope of the problem that law enforcement bodies in various States face in the area of law and order and cooperation with one another becomes clear.

We also must note that State obligations already enshrined in Security Council counter-terrorism resolutions are not, by any means, always being fulfilled. Today's resolution 2322 (2016) highlights the gaps in existing criminal legal mechanisms for combating terrorism and possible options for their elimination. An important expert role in this work should be played by the United Nations specialized agencies, such as the Counter-Terrorism Committee Executive Directorate, the Counter-Terrorism Implementation Task Force and the United Nations Office on Drugs and Crime.

One of the priorities in countering terrorism for States and for specialized international regional organizations is the need to harmonize and modernize existing bilateral and multilateral treaties on issues of extradition, legal assistance in criminal matters and the transfer of criminal proceedings from one jurisdiction to another. A helpful step would be a review of the various reservations to those treaties concerning procedures for cooperation in combating crime and terrorism. Moreover, the absence of specialized international treaties should not be an obstacle to legal aid and extradition. In such far-from-ideal cases, States can and must cooperate based on the principle of reciprocity.

During talks on today's resolution, our delegation insisted that the issues of the importance of updating the international legal basis and invoking the principle of reciprocity should be made very concrete to the maximum extent possible. Sadly, those and some of our other proposals were not reflected.

The resolution we adopted confirmed that it is unacceptable to refuse to extradite terrorists for political motives or provide them safe haven. The document calls for further streamlining of procedures for rendering legal assistance and for the extradition of terrorists. We believe that an imperative of such cooperation should continue to be to bring radicals to justice. Achieving that is impossible without building a sound knowledge-sharing system, primarily through the specialized services, security bodies and law enforcement agencies. In that regard, we draw the attention of delegations to the actively developing — with the support of United Nations specialized agencies — Global Terrorism Database.

We would also like to separately touch on issues of legal cooperation in the area of combating the financing of terrorism. The resolution calls on States to exchange information on the criminalization of financing terrorism, with an emphasis on the Financial Action Task Force's (FATF) fifth recommendation. At Russia's initiative, its scope has been expanded to a complete ban on any trade with terrorists, including trade in natural resources, as set forth in resolutions 2199 (2015) and 2253 (2015). We believe that the FATF now take very tough steps against States that fail to meet the requirements of those resolutions, going so far as to black- or grey-list them.

In our further joint work, we need to take into account the specific terrorist challenges that have been particularly prominent in recent years. One priority is to address the increase in radicalism, which is fuelled by unprecedented terrorist propaganda aimed primarily at youth. That propaganda has adapted to modern technological advances such as the Internet and social networks. Sadly, there is a demand for it, which is reflected in the scale of the recruitment of foreign terrorist fighters to the ranks of the Islamic State in Iraq and Syria (ISIS), Jabhat Al-Nusra and other associated terrorist groups.

Objectively, it is high time to pool our resources and the experience of the international community to prevent such manifestations. Once again, the resolution highlights the presence of that problem. At the same time, additional practical steps are needed to combat the spread of the ideology of terrorism. We look forward to continuing substantive work on that theme in the Council, as well as in the counter-terrorism bodies accountable to it. We should not forget about the aspects of criminal activities that use information communications technology. In that context, what is still relevant is the Russian initiative to develop, under the auspices of the United Nations, a treaty on combating cybercrime.

In conclusion, we would like to stress the importance of strengthening coordination and interaction among States in order to destroy ISIS, Jabhat Al-Nusra and other associated groups. That must be done by putting an end to double standards and must include the central coordinating role of the United Nations, based firmly on international law.

Mr. Bessho (Japan): I would like to express my gratitude to Spain for convening today's important and timely briefing. I would also like to thank the briefers for their informative presentations.

Looking back on 2016, we recognize that terrorist attacks occurred all over the world, including in the Middle East, Africa, Europe, North America and Asia. I join others in offering condolences for the loss of life in all those attacks, especially to Egypt, as one of the most recent victims.

Resolution 2322 (2016), which was just adopted, calls upon Member States to enhance judicial cooperation to address global terrorism and reaffirms that terrorists must be held accountable. Japan welcomes and supports the resolution.

A number of key paragraphs in the resolution would help enhance our judicial and police-to-police cooperation. However, I would especially like to highlight paragraph 17. That paragraph encourages States to consider extending access to the INTERPOL I-24/7 network beyond national central bureaus to other national law enforcement entities at strategic locations, such as remote border crossings. Terrorists use lost or stolen passports to travel freely around the world. To detect such false passports, INTERPOL gives national central bureaus access to its stolen and lost travel document database and helps them detect false identifications. The database includes records of the more that 68 million lost or stolen passports. From January to September, the database was searched more than 1.2 billion times, resulting in more than 115,000 hits — approximately 426 hits every day.

However, more than 100 out of 190 Member States do not use that powerful database to screen travellers at airports and border checkpoints. That means that, even if national central bureaus detect the use of lost or stolen passports, delayed notice to front-line screeners may allow terrorists to sneak across borders unnoticed. Timely access to the database is critically important for front-line officers to prevent such breaches. I therefore urge Member States to extend access to the INTERPOL I-24/7 network, including the stolen and lost travel document database, to front-line law enforcement entities, in accordance with today's resolution, with the goal of restricting cross-border terrorist movements.

In conclusion, I stress that simply adopting today's resolution is not enough. We now must implement it. Japan is always ready to closely cooperate with other countries to enhance their capabilities and capacities. Only the international community's collective efforts on judicial and police-to-police cooperation will bring terrorists to justice.

The meeting rose at 5.25 p.m.